

**THE NEW GEOPOLITICS**  
MIDDLE EAST

JUNE 2018

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AND THE CHALLENGES  
OF RECONSTRUCTION IN  
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## EXECUTIVE SUMMARY

Beginning as early as 2012, the Bashar Assad regime in Syria has worked to put in place the legal and regulatory authorities to implement an ambitious vision of reconstruction as a process of authoritarian stabilization. With its military victory close at hand, the regime's intent is to use reconstruction to reimpose its authority, tighten its control over Syria's society and economy, and fundamentally alter Syria's demography to achieve what Assad himself has characterized as a "healthier and more homogenous society."

The odds that it will achieve these aims are high. Contrary to views of the Assad regime as too severely weakened by eight years of conflict to reassert its authority, it faces relatively few obstacles in its drive to reimpose its control. The reasons for this are rooted in the nature of the Assad regime and in how Syria's conflict unfolded, defying widely-held assumptions about the effects of civil war on pre-war institutions and governance practices, and creating a post-conflict landscape that the regime will find relatively easy to navigate. Today, for all intents and purposes, the structure, governance, and organization of post-conflict reconstruction in Syria are settled issues. The Assad regime has consolidated its dominance over the levers of reconstruction, rendering it virtually impervious to external pressure.

This assessment of Syria's post-conflict landscape poses challenges for both policymakers and development practitioners. To date, however, neither have addressed its implications for policy or how Syria's experience challenges the core assumptions that dominate current approaches to reconstruction. This paper argues that both policy and practice rest on problematic assumptions and calls for a fundamental rethinking of what the options are for those hoping to shape Syria's post-conflict trajectory.

The disconnect between policy and practice, on the one hand, and conditions on the ground, on the other hand, is due in no small measure to the blinkered effects of interpreting Syria through the lens of “fragility.” Syria is regularly held out as an example of a fragile state driven into conflict by the cumulative effects of poor governance and dysfunctional institutions. It is more accurate, however, to describe Syria as a “fierce” state: one in which ruling elites elevate survival above all else and design institutions to support this aim. In fierce states, the consolidation of such institutions and their effectiveness is often tied to attributes that directly contradict those seen as necessary to overcome fragility, including accountability, voice, equity, transparency, and inclusion. Instead, governance in fierce states is managed as an expression of a zero-sum existential struggle in which conflict reinforces the determination of a ruling elite to defend existing institutional arrangements by force. Not all fierce states survive challenges on the scale of those confronted by the Assad regime. Those that do, however, credit their survival to the very institutions, norms, and practices that reconstruction orthodoxy targets for reform.

This diagnosis has obvious implications for both policy and practice. Fierce states are poor candidates for the standard reconstruction treatment. They call into question the value of fragility-based models of state failure as a guide for policy. Absent recognition of the limits of fragility-based frameworks, and without acknowledging the extent to which the Assad regime has consolidated its hold over the instruments of reconstruction, the United States and EU may well fall into the trap of viewing Syria through the lens of current, fragility-based reconstruction orthodoxy. Such an approach, this paper argues, would be a mistake. It vastly underestimates the resilience of the institutions, norms, and practices that define economic governance in Assad’s Syria. It does not take adequate account of the near impossibility of pursuing any form of reconstruction support that will not contribute to the regime’s project of authoritarian stabilization and demographic change, or avoid channeling funds into the pockets of regime cronies and warlords. The hope, however modest, that political conditions might someday permit external actors to engage in effective, accountable reconstruction programming in Syria, or through their interventions influence the course of reconstruction, is deeply misguided.

What both policymakers and practitioners should recognize is that the Assad regime’s efforts to shape an architecture that ensures its unchallenged control over every aspect of the reconstruction process are too far advanced for external actors to unravel or easily circumvent. If the United States and EU wish to influence Syria’s post-conflict trajectory, they will need to rely on alternatives to reconstruction as potential sources of influence or pressure on the Assad regime.

## INTRODUCTION

On April 2, 2018, the Syrian government issued a presidential decree regulating land use, one of several similar laws passed since the start of the Syrian uprising in March 2011. Under Law No. 10,<sup>1</sup> local authorities can designate areas for redevelopment, take control over property within these areas, and oversee their reconstruction. To receive compensation, owners of property in designated development zones have one month to provide documents proving their ownership.

Typically, such regulations elicit little interest. The reaction this time was different. Law No. 10 provoked a swift and sharp international response. Announced just prior to a major donors' meeting on Syria hosted by the European Union, a senior EU official said Law No. 10 was "the nail in the coffin" of the Assad regime's efforts to secure reconstruction funding from Western governments. "This is blatant power consolidation by Assad," said the official. "It is punitive, not regulatory. ... [I]t is normal to do something like this after a natural disaster like an earthquake. But not now. And not like this."<sup>2</sup> The German Foreign Ministry described Law No. 10 as "perfidious," a "cynical plan" designed to seize the property of refugees "to the benefit of the regime and its supporters and hinder the return of a huge number of Syrians."<sup>3</sup> Prominent regime opponents criticized the law as targeting "communities once held by rebels, from which the residents have been displaced, in order to prevent their return."<sup>4</sup>

Critics of Law No. 10 have reason to be concerned. More than half of Syria's pre-war population has been displaced since 2011, and few property owners will be able to prove their ownership in the short time provided. Many of the displaced fled from areas seen as sympathetic to the regime's opposition and are fearful of what awaits them should they attempt to assert the limited rights provided to property owners under the law. Further, regime officials have long been explicit in rejecting the return of those they view as terrorists and traitors. In a July 2015 speech, President Assad declared that "Syria is not for those who hold its passport or reside in it, Syria is for those who defend it."<sup>5</sup>

## RECONSTRUCTION AS AUTHORITARIAN STABILIZATION

As the Assad regime continues to roll back opposition forces and expand the areas under its control, the pointed rebuke of Law No. 10 by EU governments is an important signal that the regime's military gains will not produce a rush to normalization in the West. However, the international focus on the law's implications for the return of refugees and internally displaced persons (IDPs), while meaningful, overlooks much deeper challenges the regime's reconstruction strategy poses on two fronts: for policymakers in the United States and EU, and for practitioners of post-conflict reconstruction.

Law No. 10 focused unusual attention on the Assad regime's use of reconstruction to advance its political agenda. Yet the law is simply one piece of a much larger strategy for post-conflict reconstruction that the Assad regime began to put in place as far back as 2012 with the passage of an earlier law, Decree 66, which established the initial foundations for the regime's wholesale seizure of land and property.<sup>6</sup> Since then, the regime has moved rapidly to expand the legal and regulatory authorities needed to implement an ambitious vision of reconstruction, not merely as a way to punish its opponents or reward regime cronies and the governments that have assured its survival, but to reimpose its authority throughout regime-held territory, tighten its control over Syria's economy, and fundamentally alter Syria's demography to achieve what Assad himself has characterized as a "healthier and more homogenous society."<sup>7</sup>

Despite widespread skepticism about the regime's capacity to undertake the enormous effort that reconstruction will require, the odds that it will achieve its aims are high. Contrary to views of the Assad regime as too severely weakened by eight years of conflict to reassert its authority over areas it has retaken, or to coerce compliance from populations that have lived beyond its reach for extended periods, the regime faces relatively few obstacles in its drive to consolidate its position.<sup>8</sup> The reasons for this are rooted in how Syria's conflict unfolded, defying widely-held assumptions about the effects of civil war on pre-war institutions and governance practices, and creating a post-conflict landscape that the regime will find relatively easy to navigate.

Among researchers and practitioners alike, violent conflict is assumed to disrupt pre-war patterns of governance and erode or destroy pre-war political institutions. Had these assumptions held true, the regime's path to reconstruction would be far more fraught. Rebuilding the basic infrastructure of governance might well have exceeded the regime's war-tattered capacity. Had the opposition succeeded in establishing effective institutions in the areas it controlled, this too would have complicated regime efforts to reassert its authority. In the Syrian case, however, these conditions are not present. Instead, the defining feature of the Syrian conflict has been continuity in governance practices. In the Syrian case, violent conflict did far less to disrupt pre-war norms and practices of economic governance than is often assumed by development practitioners and specialists on conflict economics. This continuity will significantly ease the regime's path as it exploits reconstruction not simply to rebuild, but to strengthen its social and economic foundations and ensure its unchallenged control over Syria's post-war trajectory. It also poses distinctive challenges as policymakers and practitioners debate whether and how to engage in Syria's post-conflict reconstruction.

The regime's reconstruction agenda has been evident for some time. Yet neither the officials charged with managing U.S. and EU policy toward Syria, nor the practitioners who design and implement reconstruction programs, have addressed its implications for policy, or how Syria's experience challenges the core assumptions that dominate current approaches to reconstruction. Policy debates about the roles of the United States and EU in rebuilding Syria are tightly linked to ideas about what reconstruction is and how to achieve it. At present, however, both policy and practice rest on problematic assumptions. As was evident at the April 2018 donors' conference in Brussels, policy debates are proceeding as if the options for Syria's reconstruction remain largely unchanged from what they were in 2015, after large-scale Russian intervention set the conflict on its current path to a regime military victory.<sup>9</sup> At the same time, practitioners of reconstruction are proceeding as if Syria can be made to fit within a standard reconstruction template framed in terms of overcoming state fragility—the principal construct through which the causes of conflict and the measures needed to mitigate its effects are defined. Neither is true, and the apparent difficulty among both policymakers and practitioners in bridging the gap between the models of reconstruction that inform policy debates, on the one hand, and conditions on the ground in Syria, on the other hand, is troubling.

What this gap between assumptions and conditions highlights is the need for a more fundamental rethinking of what the options are in seeking to shape Syria's post-conflict trajectory. Absent recognition of the limits of fragility-based frameworks as models for policy, and without adequate recognition of the extent to which the Assad regime views reconstruction as a project of authoritarian stabilization—the pathway through which it intends to reassert its authority and renew the governance arrangements on which its

survival depends—the United States and the EU may well fall into the trap of viewing Syria through the lens of current reconstruction orthodoxy, as posing challenges that can be addressed through the standard reconstruction treatment intended to mitigate drivers of fragility. Such an approach would be a mistake. It vastly underestimates the resilience of the institutions, norms, and practices that define economic governance in Assad’s Syria. It does not take adequate account of the near impossibility of pursuing any form of reconstruction support that will not contribute to the regime’s project of authoritarian stabilization and demographic change, or avoid channeling funds into the pockets of regime cronies and warlords.

## **FIERCE STATES AND THE LIMITS OF FRAGILITY**

This disconnect is due in no small measure to the blinkered effects of seeing the world through a fragility lens. Syria is regularly held out as an example of a fragile state driven into conflict by the cumulative effects of poor governance and dysfunctional institutions.<sup>10</sup> Yet it is more accurate to describe Syria as a fierce state: one in which ruling elites elevate survival above all else and design institutions to support this aim. In fierce states, the consolidation of such institutions, and the effectiveness with which they contribute to regime survival, is often correlated with attributes that directly contradict those associated with good governance or resilience, including accountability, voice, equity, transparency, and inclusion.<sup>11</sup> Instead, governance in fierce states is managed as an expression of a zero-sum existential struggle in which conflict reinforces the determination of a ruling elite to defend existing institutional arrangements by force.

This does not imply that fierce states are indifferent to development as it is conventionally understood. Regimes in fierce states, including in Syria, understand the threat that disaffected populations can pose. They understand the benefit of strengthening the dependence of citizens on regimes through the use of redistributive social policies.<sup>12</sup> They are sensitive to the value of popular legitimacy, despite their reliance on repression and the use of violence. For instance, in his January 2011 interview with *The Wall Street Journal*, Bashar Assad appealed, naively, it turned out, to the legitimacy he believed his regime enjoyed as a result of its resistance to Israel and the United States to assert that Syria would never fall victim to the protests then sweeping the region.<sup>13</sup>

Moreover, fierce states have constituencies—“stakeholders,” in current development jargon. They rest on a social base. They construct alliances and coalitions, typically on the basis of transactional loyalty. They structure incentives to reward compliance. And when challenged by insurgencies or civil war, fierce states may prove more resilient than fragility-based models of state weakness and vulnerability tend to assume. Not all fierce states survive challenges on the scale of those confronted by the Assad regime. Those that do, however, credit their survival to the very institutions, norms, and practices that reconstruction orthodoxy targets for reform. It is, perhaps, not so surprising that dictators who prevail in civil wars tend to have exceptionally long tenures in office. Of the 25 longest-serving rulers in the world today, 13 survived civil wars or rose to power after prevailing in civil war, and preside over regimes that are either dictatorships or illiberal democracies.<sup>14</sup>

This diagnosis has obvious implications for current debates about post-conflict reconstruction in Syria. The hope, however modest, that political conditions might someday permit external actors to engage in effective, accountable reconstruction programming in Syria, or through their interventions influence the course of

reconstruction, is deeply misguided.<sup>15</sup> Similarly, the argument that the United States and the EU must support reconstruction to avoid creating a black hole in Syria that will drive radicals and refugees into Europe is a bit of protection racket diplomacy that should be resisted.<sup>16</sup>

What both policymakers and practitioners should recognize is that the Assad regime's efforts to shape an architecture that ensures its unchallenged control over every aspect of the reconstruction process are too far advanced for external actors to unravel or easily circumvent. In the past five years, and with increasing scope and speed since 2015, the Assad regime has created a dense web of mechanisms, networks, and linkages that includes senior regime officials, the state bureaucracy, legislative mechanisms at the national and local levels, the regime-controlled NGO sector, business cronies, warlords, and opportunistic loyalists. The result is a reconstruction apparatus that is flexible, adaptive, resilient, and virtually impervious to external pressure. For all intents and purposes, the structure, governance, and organization of post-conflict reconstruction in Syria are settled issues. The most important lessons that policymakers and practitioners can draw from Syria's experience, therefore, are an understanding of the limits of fragility-based models of post-conflict reconstruction, and the need to address the challenges that fierce states pose to current reconstruction orthodoxy.

## BEYOND RECONSTRUCTION ORTHODOXY

Typically defined as an effect of dysfunctional institutions that produce negative social, political, and economic outcomes, state fragility is widely recognized as a leading cause of violent conflict.<sup>17</sup> A large and growing body of evidence indicates that fragile states are especially vulnerable to internal strains that weak and flawed institutions cannot manage or mitigate.<sup>18</sup> As the incidence of civil wars increased from the early 2000s onward, spiking sharply in the mid-2010s, efforts to design post-conflict interventions that address the institutional and social causes of state fragility have become a leading priority of governments, development agencies, and international financial institutions.<sup>19</sup>

Over the past decade, these efforts have converged around a relatively narrow range of understandings—a reconstruction orthodoxy that has achieved wide currency among development practitioners—about the purposes and aims of post-conflict reconstruction and how best to rebuild war-torn societies to address the conditions that caused conflict in the first place. Opportunities to address the drivers of violent conflict are linked to the effects of conflict on dysfunctional pre-war institutions. These “fragile” institutions are seen as causes of violent conflict. In turn, violent conflict is assumed to bring about their breakdown, creating possibilities for more effective, inclusive, and accountable post-conflict governance frameworks, typically defined in terms of inclusive social contracts or political settlements, to emerge.<sup>20</sup> In addition, the devastating effects of conflict are assumed to empower constituencies with an interest in reform, increasing the prospects that post-conflict reconstruction will find willing local partners.

Thus, the aim of post-conflict reconstruction is not to return war-torn societies and states to their pre-war condition, but to make use of the space that violent conflict is presumed to create to put in place institutions, norms, and practices that address the causes of violence and provide a basis for effective governance and sustainable peace. This includes transforming frameworks of economic governance so that conditions of economic “normalcy” can be established—conditions that differ from those that emerge during conflict, when pre-war economic norms and practices are presumed to break

down under the strain of violence. In this view, reconstruction succeeds by “transforming post-conflict countries into functioning states that can offer their citizens basic public services.”<sup>21</sup> Wartime economies are thus viewed as abnormal; we know reconstruction is working when “the main features of an economy no longer stem from the war but from the normal conditions of the economy.”<sup>22</sup>

No one imagines that these transformations are fast or easy. There is wide recognition among policymakers, scholars, and practitioners of the enormous variation that exists among countries exiting conflict, and of the daunting challenges that overcoming fragility confronts, especially in post-conflict settings.<sup>23</sup> There is little naiveté among specialists about the many ways in which post-conflict reconstruction can go wrong. Nonetheless, the underlying assumption that successful reconstruction requires the transformation of pre-war systems of governance, political economies, and social norms remains central to reconstruction orthodoxy and continues to guide policy and practitioner debates about Syria. This view is elaborated in a clear causal chain anchored in four principal assumptions:

1. violent conflict is largely a product of state fragility;
2. violent conflict weakens or destroys dysfunctional pre-war institutions;
3. the destruction of pre-war institutions opens up space for post-conflict reconstruction to transform war-torn societies, reform institutions, and overcome the conditions that might reproduce fragility and lead to a recurrence of violence; and
4. because violent conflict is so profoundly destructive, it creates or empowers local actors who form constituencies favoring transformational reforms.

There may well be cases in which these assumptions hold. As the following sections illustrate, however, Syria’s experience of violent conflict carries important lessons about the limits of this reconstruction orthodoxy.

## **CONTINUITY AND WARTIME ECONOMIC GOVERNANCE<sup>24</sup>**

In keeping with assumptions about the destructive effects of violent conflict on pre-war institutions, conflict economies are often treated as a distinctive species, zones where “normal” economic practices are suspended and violence-centered economies with “features unique to civil war” take hold.<sup>25</sup> In contrast to pre-war political economies, wartime political and economic orders are viewed as idiosyncratic in the extent to which they lack rule of law, accountability, and transparency.

Syria’s experience, however, challenges these assumptions. Violent conflict has been marked by a high degree of continuity in the corrupt, predatory, and coercive norms and practices that were pervasive in Syria’s pre-war political economy. Prior to the onset of conflict in 2011, the political requirements of regime survival trumped concerns about economic and social development.<sup>26</sup> State elites engaged routinely in illicit practices to enrich themselves at public expense. Criminal economic networks were tightly integrated into, and operated as prominent features of, state-regime-business relations among both civilian elites and the Syrian military, which itself was a powerful economic actor.<sup>27</sup> Loyalty and legitimacy were established and sustained through transactional bargains negotiated between the regime and networks of local actors. Informal institutions—

including patron-client networks—were more influential than formal institutions or policy processes in shaping economic and political outcomes. These features continue to define Syria’s wartime political economy from 2011 onward. In many important respects, violent conflict was not just an ideal setting for the reproduction of pre-war norms and practices, it provided the impetus to deepen and expand the predatory, illicit, and corrupt economic logics that organized economic activity before 2011.

To be clear, asserting continuity in economic norms and practices after 2011 does not imply that nothing has changed. Civil war has been accompanied by the destruction of physical and social infrastructure on a massive scale.<sup>28</sup> The organization of Syria’s political economy has been profoundly reconfigured by years of violent conflict.<sup>29</sup> Pre-war economic networks have been disrupted and new, conflict-based networks have taken their place.<sup>30</sup> Violence fractured Syria’s national economy and contributed to the emergence of highly localized zones of economic activity, often dominated by warlords who enjoyed significant autonomy from the regime.<sup>31</sup> Yet war did not create a blank slate on which new norms and practices of economic governance might take root. Rather, pre-war norms and practices were reproduced and deepened as violence escalated.

Across the country, economic fragmentation went hand-in-hand with the diffusion and deepening of economic norms and practices that were commonplace in pre-war Syria. In opposition-held areas, for example, where the regime had previously exerted significant influence over how local markets were organized through both formal regulation and informal networks of patronage and clientelism, the armed groups that controlled various “free areas” were often corrupt, predatory, and exploitative, but cared little about regulation of local markets, how local economic activities were organized, and who could enter the market to engage in specific economic activities—all aspects of economic governance the Assad regime controlled more tightly.<sup>32</sup>

With few exceptions, armed opposition groups devoted little attention to economic governance beyond assuring that their own economic requirements were met,<sup>33</sup> often by engaging in the same economic behaviors characteristic of the Assad regime.<sup>34</sup> In some instances, battalion commanders preferred to outsource mundane aspects of economic governance to civilian counterparts in local councils and civil society organizations to avoid navigating fraught and complex matters among civilian populations, like the distribution of humanitarian assistance or the adjudication of economic disputes.<sup>35</sup> The result was the rapid emergence of virtually unregulated markets, essentially economic free zones, especially in the areas adjacent to the Turkish border and in Syria’s southwest province of Daraa. In these areas, opposition warlords became influential economic actors, enriching themselves and their organizations through tactics similar to those used by regime figures.<sup>36</sup> Criminal and informal economic activity thrived through highly personalized networks that regularly extended across conflict lines into regime-held areas, and operated on the basis of transactional ties that linked adversaries in the pursuit of profit.

The strategies used by traders in opposition-held areas to navigate “checkpoint economies” are a vivid example of how the persistence of pre-war economic practices sustained wartime economic activity and preserved network connections across conflict lines.<sup>37</sup> In both regime- and opposition-held areas, militias established competing clusters of roadblocks along key routes, forcing traders to pay bribes for the safe movement of goods through each one. For merchants based in opposition areas who routinely moved

products back and forth across conflict lines, the levels at which these “taxes” were fixed meant the difference between profit and loss. When opposition checkpoints became too predatory, these merchants would sometimes take measures to avoid them. Instead of moving goods from Turkey overland into Syria through areas controlled entirely by the opposition and subject to predatory taxes, they would have them shipped from the port of Mersin in southern Turkey to regime-held Latakia, where they would pay local, regime-affiliated brokers a fee to move the goods through regime areas and across conflict lines until they reached their final destination in opposition-held parts of the country. Trusted brokers in opposition areas with ties to counterparts in Latakia might assist in facilitating these transactions. According to one Syrian trader, their capacity to select the least costly means of transport, and to divert goods around predatory checkpoints, helped keep checkpoint taxes under control; when the volume of trade went down, checkpoint commanders would lower the fees they extracted from traders. Traders and militias thus engaged in a strategic game, with each looking to maximize returns, and with militias sensitive to the tipping point beyond which predatory behavior would reduce checkpoint revenue.

These features of wartime economic orders in opposition areas had their counterparts in regime-held territory. Similar elements of fragmentation, the absence of central authority, and the consolidation of increasingly autonomous economic networks were present in areas nominally held by the regime but governed, in fact, by local militias led by de facto warlords. In these areas, as well, formal economic activity ground to a halt, yet the coercive and predatory economic norms and practices that defined the regime’s pre-uprising approach to economic governance proved to be well-suited for the purpose of extracting resources from civilian populations in the midst of conflict. Predation, coercion, and corruption, it turns out, are scalable, dispersed, and can function effectively both through more tightly-coupled predatory networks—such as those dominated by the inner circles of the Assad regime before the war—and through the more fragmented, loosely-coupled, and dispersed networks that developed in regime-held areas as the civil war ground on.

On the regime side, in parallel with practices that were commonplace among opposition groups, predatory activities included protection rackets in which businessmen were compelled to contribute to the war effort to remain in good standing with the regime, as well as other explicitly criminal forms of resource extraction.<sup>38</sup> Kidnapping for ransom (where kidnappers often demanded that families of victims sign over property deeds), was widespread in regime territories, with criminal networks linked to regime officials, loyalist militias, and armed opposition groups regularly implicated in such acts.<sup>39</sup> Over time, the informal economic networks that the Assad regime had used for years—extending opportunities for private profit through tolerated illicit activities in exchange for loyalty and service as regime enforcers (i.e., localized *Shabiha* networks)—not only endured, but emerged as central to the dispersed strategy of predatory, coercive extraction that grew stronger as the Syrian state and regime weakened. As one analyst noted in 2016:

“As the once totalitarian Syrian central state atrophies, its constituent parts—be they sectarian, rentierist, or simple brutes—have gained a stunning degree of political and economic independence from Damascus. Contrary to what others have claimed, Assad’s regime has not struck some grand bargain with a large section of Syria’s urban Sunni population. Instead, he has elevated to power the most brutish elements of the country and doubled down on the sectarian, tribal, and thuggish inclinations of its base.”<sup>40</sup>

What the civil war produced, therefore, across regime- and opposition-held areas, were parallel political economies in which pre-war norms and practices of economic governance prevailed. They were constituted by highly localized and fragmented wartime economic spaces, knit together by personalized and transactional networks that extended across both conflict lines and state borders. Violent conflict certainly affected these networks. It changed their composition, opened the door for new economic actors to emerge, and shifted virtually all economic activity from formal to informal sectors. Conflict has expanded the scope and scale of predatory activities. It reinforced the perception of the conflict among regime loyalists as an extraordinary opportunity to accumulate wealth, contributing to rampant criminality in regime-held and recaptured areas.<sup>41</sup>

This apparent fragmentation of the state and the emergence of powerful local economic networks are widely described as threatening the post-conflict reconstruction of both the Assad regime and the Syrian state.<sup>42</sup> In the view of many policymakers and practitioners, the regime has won, at best, a pyrrhic victory. Eight years of relentless military operations have exhausted its political, institutional, military, and financial capacities, rendering it incapable of reasserting its authority. It cannot independently sustain or expand the military gains of the past three years, which were achieved almost entirely through the support of Russia and Iran.<sup>43</sup> It cannot control the many proxy forces that are exploiting the Syrian conflict to advance their own interests, including by establishing militias independent of the Assad regime.<sup>44</sup> Nor can it independently fund reconstruction or anticipate a quick return to business as usual; there is no end in sight for the extensive sanctions regime that effectively cut Syria off from global markets. In other words, having sacrificed its sovereignty in the interest of survival, Assad now oversees a Potemkin regime, not a state or government capable of directing Syria's post-conflict trajectory.

These claims, however, should not be exaggerated.<sup>45</sup> The regime has acted to reign in and otherwise discipline unruly loyalist fighters, at times with Russian assistance.<sup>46</sup> Targets of the regime have included the most prominent and presumably most influential warlord-cronies of the Assad family.<sup>47</sup> Indeed, a recent assessment of the capacity of the regime to control and manage loyalist warlords concluded that Assad continues to hold the upper hand:

“To be sure, the fact that the regime had to turn to—and in some cases create—militias to shore up its fighting and policing capabilities was a sign of weakness. That, combined with incidents of unauthorized violence by these loyalist militias, has been taken as a harbinger of the regime's imminent demise. ... But this reasoning belies the resilience of Assad's Ba'athist regime, which has proven willing to deploy any tool and make a multitude of devil's bargains to ensure its survival. While Assad has undoubtedly sacrificed a degree of his authority to loyalist militias, these groups' autonomy to operate still depends on the regime's permission.”<sup>48</sup>

Further, reasserting the regime's authority does not imply that empowered local elites will be forced to rein in their behavior.<sup>49</sup> Because local actors use the same economic tactics as the regime, accommodating the restoration of its authority will not necessarily require that they end the practices through which they enriched themselves when the regime was absent. Loyalists are far more likely to see the benefit of exploiting the regime's return to strike deals and establish bargains with Damascus, preserve their

access to predatory opportunities, use mechanisms like Law No. 10 to give legal status to the assets they accumulated during wartime, and validate their standing as local power brokers who act on the regime's behalf. Reconstruction, in this view, offers a promising opportunity to put looted wealth to new uses, to launder it and legalize it through participation in regime-sanctioned reconstruction projects.

## RECONSTRUCTING AUTHORITARIANISM IN POST-CONFLICT SYRIA

Since September 2015, the Assad regime has retaken large swaths of territory and consolidated its control over the vast majority of what the French termed “La Syrie utile,” useful Syria—the western spine of the country encompassing all of its major urban centers. As the regime has gained ground, it has also worked to advance a process of post-conflict reconstruction, not simply of the war-ravaged economy, but of the regime's sovereignty and authority over all of the territory under its control.

For the regime, these two elements of reconstruction are inextricably linked: economic reconstruction is first and foremost an instrument for the reassertion of the regime's authority and sovereignty. The extent to which economic reconstruction will serve this end is the principal criterion guiding the politics and political economy of post-conflict reconstruction. Thus far, the regime's strategy has been largely successful. With Russian support, the regime has successfully fended off Western attempts to link reconstruction funds to progress on a meaningful political transition. It has moved to prevent external funds from entering areas under its control through non-regime managed channels. It has also imposed broad legal restrictions regulating the in-country operations of the U.N. and international NGOs, affirming that only the Assad regime, as Syria's sovereign authority, is empowered to oversee reconstruction programs.<sup>50</sup>

Thus, while the regime will eagerly accept any reconstruction assistance it can control—the critical payoff from donor assistance is not only dollars but the international legitimacy it brings—it is less concerned than is often assumed about the impact that a lack of donor contributions will have on the pace of reform. Indeed, the regime seems to view funding that might compromise its control as a greater risk to its stability than a slower, more limited process funded at lower levels, but conducted completely under the regime's supervision and authority—and organized to maximize the political gains it delivers for the regime.

In keeping with this sense of reconstruction as a jealously guarded preserve of the regime, it has vowed to offer reconstruction contracts only to governments that supported it during the civil war; Russia, Iran, and China are the major beneficiaries of regime contracts to date.<sup>51</sup> It has established regulatory and legal frameworks that privilege leading economic actors linked to the regime, expanded the authority of public sector agencies to invest in “public-private partnerships,” and consolidated the regime's control over all reconstruction-related activities.<sup>52</sup>

These legal and regulatory frameworks provide the regime with the tools to reward supporters and punish opponents—among whom it includes not just active supporters of the opposition, but large segments of Syria's pre-2011 population that happened to reside in areas that fell under opposition control—and to engage in demographic engineering to prevent the return of refugees and those forcibly displaced within Syria as a result of “starve or surrender” sieges.<sup>53</sup> The regime has also exploited existing and new property rights laws to seize land and housing on a massive scale.<sup>54</sup> It has

expropriated neighborhoods of Damascus, Homs, and Hama that were known as pro-opposition areas and largely destroyed during the war.<sup>55</sup> It is also expropriating property of displaced persons it suspects as having supported the opposition. Properties seized are being offered to regime cronies (and, allegedly, to Iranian citizens) for redevelopment projects, some of which are being characterized as rivalling in scale Beirut's notorious Solidaire project, through which Rafik Hariri bulldozed Beirut's war-torn downtown and rebuilt it as an idealized example of a modern-traditional Arab city, but focused on high-end luxury retail. These efforts are designed not only to reward cronies and rebuild damaged infrastructure, but to advance the regime's program of demographic change, and insulate reconstruction from any attempts by powers the regime views as hostile to influence the implementation of reconstruction programs.<sup>56</sup>

There is ample evidence of the extent to which select business cronies of the regime are benefitting from these mechanisms, including the growing body of laws and regulations that have awarded them confiscated property at no cost, permitted them to purchase land seized by the state at below-market prices, and given them access to funds provided by the state bank on preferential terms.<sup>57</sup> The transformation of Basateen al-Razi—an opposition stronghold only 5 miles from downtown Damascus—into “Marouta City” is perhaps the most vivid example of this trend. Its redevelopment is being led by a consortium of pro-regime businessmen through a coalition of holding companies that includes Rami Makhlouf, Bashar Assad's maternal cousin and the country's most prominent (and wealthiest) regime crony.<sup>58</sup> Indeed, Makhlouf is poised to become the lead beneficiary of a wide range of reconstruction activities.<sup>59</sup> Other “peak cronies” associated with the Marouta City project include Khaled al-Zubaidi and Nader Qalei, two businessmen closely linked to the Assad regime; Mazen Tarazi, a relatively unknown Kuwait-based businessman with strong regime ties; Bishr al-Sabban, the governor of Damascus and chairman of the board of Damascus Cham Private Joint Stock Company; and Samer Foz, the CEO of the Aman Group.<sup>60</sup> Little known before 2011, Foz emerged during the war to become one Syria's most influential and powerful businessmen, “to the extent he is now dubbed the ‘new Rami Makhlouf.’”<sup>61</sup>

A similar coalition of wartime business cronies is poised to develop additional zones in formerly opposition-held neighborhoods of east Damascus, including Mezzeh, Kafr Soussah, Qadam, and Darayya, a huge area totaling some 2200 acres and reportedly to be renamed Basila City, or “Peace City” in old Aramaic. Reconstruction activities in other urban centers including Homs and Hama have also become targets of regime cronies and senior regime figures who exploit their ties to the regime for personal gain.<sup>62</sup> While these high-profile figures monopolize the most visible and large-scale reconstruction efforts, their activities are matched at a smaller scale by less prominent regime-linked businessmen and lower-level officials throughout regime-held areas, including individuals such as Republican Guard officer and a founder of the National Defense Force (NDF), Bassam al-Hasan; his nephew, Saqr Rustom, who led NDF operations in Homs; and Hussam Qaterji, the regime's broker to ISIS and, more recently, the Kurdish Democratic Union Party (PYD). Collectively, the emergence of these new cohorts of loyalist business elites not only serve to renew and consolidate the regime's authority, they provide the regime with business partners who have thus far evaded U.S. or EU sanctions, opening up new channels for trade and investment that can assist the regime in getting around restrictions that constrain better known regime cronies.

In addition, reconstruction serves as a potent instrument for the reassertion of the regime's authority and the reimposition of regime control over formerly autonomous warlords and wartime profiteers. Laws passed by the regime since 2015 expanding the scope of economic authority vested in local officials are a key indicator of how reconstruction is being used to strike new forms of accommodation between militia-linked wartime profiteers and the regime in Damascus. These include Law No. 5 of 2016, which empowers local officials to enter "public-private partnerships," and Decree 19 of 2015, authorizing private holding companies to "take over the management of assets and properties owned by cities and towns across the country."<sup>63</sup> According to a credible source,

"the latest decree appears to have ... serious implications, potentially privatizing all the services provided to the population at a local level and enabling the management of public property by private investors. Given the absence of safeguards, the lack of independence of the Syrian judicial system, the absence of any form of organised civil society, the consequences of the decree are potentially very dangerous with regards to the ownership by Syrians of public goods."<sup>64</sup>

Together with the more recent Law No. 10, these earlier measures create the legal pretext for the transfer of private property into the hands of regime loyalists on an unprecedented scale. As local authorities and municipalities act over the coming years to create agencies charged with designating development zones, and then seize property within these zones, these laws make it possible to transfer ownership of property to private holding companies that operate with very little scrutiny or oversight. There is evidence, moreover, that local warlords are already beginning to recognize the opportunity such provisions offer, and create corporate entities that will permit them to launder the assets they acquired during the war, make new investments in real estate, and engage in the redevelopment of areas destroyed in war, including areas in which displaced residents were viewed as sympathetic to the opposition.

A large number of such entities have been established in Syria in the past year.<sup>65</sup> According to *The Syria Report*, these include Damas Real Estate Development and Investment LLC, established by Bassam al-Hasan and his nephew, Saqr Rustom; Qaterji Real Estate Development and Investment, formed by Baraa Qaterji and his brothers (this group established other companies in different business sectors as well); and Wassim Qattan, another previously unknown businessman who has recently emerged from "outside the formal trade networks" to become a major player in Damascus real estate markets, and recently formed a number of companies to exploit post-war business opportunities.

These examples highlight the mechanisms through which the Assad regime is exploiting its legislative authority to create incentives for local warlords and wartime profiteers to re-integrate into the regime's economic networks and contribute to the reconsolidation of its authority in post-conflict Syria. They also show the effectiveness with which the regime is exploiting state-based instruments and institutions to reproduce pre-war economic norms and practices, including its ability to create relationships of economic dependence with business actors that rely on the regime to secure and give legal cover for predatory modes of wealth accumulation. Among other things, these arrangements raise doubts about claims that the fragmentation of Syria's economy during conflict, and the emergence of local warlords who operated autonomously from the regime, would

constitute a significant obstacle to its ability to assert itself once conflict ends. The evidence to date suggests that the regime is not finding it difficult to rebuild transactional ties of mutual advantage with wartime profiteers and warlords.

Relations between the regime and other segments of business elites follow a similar pattern: pre-war norms and practices continue to define the dynamics of regime-business ties after 2011. Conflict altered the composition of pre-war economic networks. It opened up new opportunities for profit, even as much of the country's economic infrastructure was destroyed. Yet the regime's longstanding practice of co-opting leading businessmen and cultivating their dependence on the regime persisted and has served it well, helping it to mitigate the impact of economic sanctions, strengthening its ability to manage the economic demands of protracted conflict, and providing it with ready partners as it turns its attention to post-conflict reconstruction.<sup>66</sup>

For their opposition counterparts, militia commanders, traders, and businessmen who constructed local economic orders anchored in the same corrupt, illicit, predatory norms and practices as their adversaries, opportunities to exploit reconstruction will be more limited. Yet precisely because their wartime economic activities thrived by making use of contacts and networks within the regime—for example, to smooth the passage of goods across conflict lines—they too are likely to find that post-conflict conditions create possibilities for them to transform wartime business activities into post-conflict opportunities, as long as they are willing to proclaim their loyalty to the regime. This pragmatism was an important condition of wartime economic survival in opposition-held areas. There are few reasons to expect that public affirmation of loyalty to the regime, and willingness to pay the price for continuing to do business under the regime's control, will prove to be significant obstacles to the reconstruction of regime authority in areas of the country formerly held by the opposition—especially when those least likely to bend the knee have been killed, detained, or forced to flee, forfeiting their property in the process.

In addition, the regime has been adept in cultivating economic ties across conflict lines that are generating crucial financial resources and giving it the means to rebuild infrastructure that is essential to support its reconstruction agenda. For example, the oil the regime used to buy from ISIS it now purchases from the PYD, using revenue sharing arrangements reportedly valued at about \$8 per barrel. These transactions are brokered by the same highly-placed business cronies, such as Hussam al-Qatarji, who once brokered trade with the Islamic State.<sup>67</sup> According to informed sources, between 50,000-70,000 barrels per day are being moved by tanker trucks into regime-held areas. This traffic is not only a major source of revenue, it enables the regime to improve basic services that are important in stabilizing areas under its control: electricity production has increased significantly in Syria in the past year, to the point that Syria is now reported to be selling electricity to Lebanon.<sup>68</sup> Not least, such revenues strengthen the bargaining position of the regime in its rejection of Western conditions on the provision of reconstruction assistance.

In sum, the economic legacies of a corrupt, authoritarian, predatory, and coercive regime were evident in how wartime economic orders came to be constructed in the period from 2011 to the present, whether in regime-held or in opposition-held areas of Syria. This continuity in economic norms and practices has shaped a post-conflict landscape conducive to a regime-controlled process of reconstruction even in areas long held by opposition forces. It represents a significant obstacle to the efforts of U.S.

and EU governments to affect Syria's post-conflict trajectory. Continuity places the Assad regime on familiar ground as it seeks to reconsolidate its control, and it has proven itself to be adept in exploiting this familiarity in areas it has retaken from the opposition.

## THE RESILIENCE OF FRAGILITY: RETHINKING RECONSTRUCTION IN FIERCE STATES

Syria's recent experience carries important lessons for current reconstruction orthodoxy. Syria's conflict can certainly be attributed to poor governance and its attendant effects: corruption, predatory norms and practices, and dysfunctional institutions. Yet the experience of the Assad regime as it transitions from conflict to an unstable "authoritarian peace" underscores the need to reconsider just how fragile the institutions and practices are that generate outcomes typically associated with fragility.<sup>69</sup> Syria should be seen not as a fragile state subject to the standard post-conflict treatment, but as a fierce state, one in which the institutional arrangements associated with state weakness are not the failed outcomes of state-building processes that sought, but fell short of achieving inclusive, participatory, developmentally effective forms of governance. Rather, since the 1960s, state building in Syria has reflected the intentional, strategic choices of authoritarian elites who designed governance institutions to implement their exclusionary, repressive, and predatory preferences.

The institutions that resulted from this process of state building did not lack capacity, nor were they fragile. They have provided Syria's ruling elite with the organizational means to construct durable, repressive-exclusionary systems of rule; appropriate resources and redistribute them through mechanisms that privileged regime loyalists; and consolidate a social pact between the regime and select categories of citizens. And as the Assad regime has shown, it is willing to impose an agonizingly high price on Syrians to defend these institutions. The Syrian conflict, therefore, may well be an indicator of regime dysfunction and the limits of the economic and political institutions on which it rests. Yet the regime's capacity to survive a large-scale armed insurgency with Iranian and Russian support, its ability to sustain a level of state function throughout the conflict even in opposition-held areas, and the determination it has shown in designing a reconstruction process intended to reinforce existing institutions, norms, and practices make clear that conflict and indicators of fragility are not perceived by the regime as signals of the need for transformational reform.<sup>70</sup>

In the Syrian case, conflict has reinforced rather than weakened pre-war modes of economic governance. It has not opened space for reform. It has not empowered local constituencies that support reform. Nowhere is this clearer than in how the Assad regime has designed the legal architecture of reconstruction to give itself complete control over every aspect of the process, and in its uses of reconstruction as the means for consolidating its authority, enriching networks of business cronies, and implementing its vision of a "more homogenous and healthier" Syrian society.<sup>71</sup>

Moreover, Syria's experience is not unique. Continuity of pre-war economic norms and practices in the midst of violent conflict, with all that continuity implies about how post-conflict reconstruction is likely to unfold, is also evident in Yemen, Libya, Sudan, and other cases of violent civil war.<sup>72</sup> Collectively, these cases pose significant challenges to fragility-based models of post-conflict reconstruction. They call into question the core assumptions that guide current reconstruction orthodoxy about the plausibility of imagining reconstruction as an opportunity to reform or rebuild institutions to address

underlying causes of state fragility. They underestimate the resilience of institutions, norms, and practices associated with fragility even when they increase the likelihood of violent conflict. Conditions associated with fragility have often very influential constituencies. They create powerful incentives that shape the strategic choices of local actors, giving fragility a degree of path-dependence that many practitioners have been slow to acknowledge. They are anchored in understandings about the purposes of the state and of governance that are sharply at odds with those viewed by many development practitioners as essential elements of good governance, including accountability, voice, transparency, equality, and inclusiveness. To borrow a well-worn cliché, the institutions, norms, and practices associated with fragility are not bugs, they are features. Conflict is an environment in which these features thrive, and post-conflict is seen by those who prevail in conflict as an opportunity to strengthen and expand them, not to subject them to processes of institutional reform or redesign.

For practitioners of reconstruction, these lessons from the Syrian case may be deeply troubling. They raise questions about the fundamental utility of fragility as a concept, and its value as a model in the design of post-conflict reconstruction programs. Yet these lessons also open up possibilities for rethinking approaches to reconstruction, for defining more clearly the conditions under which rebuilding war-torn societies will create outcomes that leave societies better off, better governed, and more secure, given the incentives that reinforce inequality, corruption, predation, and exclusion. Syrians, as well as Yemenis, Libyans, and others from societies devastated by conflict, would be well served by such an exercise.

## ENDNOTES

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- 10 Syria has been ranked “most fragile” in the Fragile States Index since 2005. See the latest index at “Fragile States Index,” Fund for Peace, <http://fundforpeace.org/fsi/>.
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## ACKNOWLEDGEMENTS

The author acknowledges with gratitude comments and feedback from colleagues at two workshops at which elements of this paper were presented: one sponsored by the American Academy for the Advancement of Science in October 2016 in conjunction with its project on Civil Wars, Violence, and International Responses; the second jointly conducted by the Project on Middle East Political Science and the Middle East office of the Carnegie Endowment for Middle East Peace in January 2018. He also thanks participants in two Syria reconstruction workshops organized by the Brookings Center for Middle East Policy in July and September 2017, as well as colleagues, best left anonymous, who provided assistance during several trips to southern Turkey to conduct interviews that contributed to the findings presented in this paper. Smith College has provided support that contributed to this research.

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