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ARTICLE



# Implications of legal identity documentation issued by the Kurdish-led Self Administration in Northern Syria: competition and compromise with the central state

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## ABSTRACT

More than a decade of multi-actor conflict in Syria has resulted in a complex patchwork of legal identity documentation issued by state and non-state actors. This paper considers the legal identity practices pursued by the Kurdish-led Self Administration governing large swathes of territory in the north of the country. Specifically, the paper studies the forms of identity documentation the Self Administration does and does not provide to people present under its control. Beyond this, the paper focuses on how this system coexists with that of the central state, reflective of the Self Administration's broader approach of compromise combined with competition, to operate as a de facto authority respecting the overall sovereignty, yet challenging specific policies, of the central state. Against the backdrop of somewhat contradictory accusations of collaborating with the Syrian government and simultaneously seeking independence from it, the Self Administration has refrained from mimicking the state while expanding its own de facto 'jurisdictional subjecthood'. Practices of legal identity consequently help to elucidate necessary nuance in understanding the relations between the Self Administration and the government in Damascus.

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## Introduction

With Syria's territory variously divided between state and non-state actor control since conflict began in the country in 2011, new (largely competing) governance systems have issued their own diverse forms of legal identity documentation to civilians residing in their areas of influence. This reality has produced a patchwork of legal identity systems, with various levels of (often mutual) non-recognition by different actors in the country. This has implications for the meaning of, and access to, citizenship,<sup>1</sup> and – in its most extreme form – children whose births have not been registered with the central state are at risk of statelessness.

The Kurdish-led Self Administration emerged as a non-state governance actor in the context of the post-2011 Syrian Revolution against the central government in Damascus, yet it is distinctly situated with respect to other non-state actors often referred to as

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belonging to the ‘revolutionary’ or ‘mainstream’ opposition. This paper thus considers how legal identity functions in the particular context of the Kurdish-led Self Administration in Northern Syria. The paper’s central question is: what is (and has been) the Kurdish-led Self Administration’s approach to legal identity in northern Syria? In order to answer this question, I consider to what extent its *de facto* civil documentation system is challenging, and competing with, or rather complementing and coexisting alongside, that of the central Syrian state. This paper has been informed by my previous work as a consultant with humanitarian and development organisations operating in Northern Syria for much of the last decade and additionally draws on my regular social media monitoring (between March 2021 and September 2023), as well as 17 semi-structured interviews with key informant stakeholders.

Historically, decisions pertaining to the issuance of legal identity documentation in Syria have been highly centralised through the Civil Affairs Directorate operating under the Ministry of Interior. Following the 2011 Revolution against the government in Syria and subsequent conflict, irregularly constituted non-state actors (such as Local Councils) began to issue a variety of ‘alternative’ forms of personal identity paperwork to residents in their territories who were unable to access civil documentation through the Syrian government (International Rescue Committee 2016; see other contributors working on Syria within this special issue). The production and differentiation of loyal and disloyal citizenries by various actors on the ground (Abboud 2020) has resulted in a situation of (often mutual) non-recognition of documents issued within this complex patchwork of legal identity systems.

Beyond the issuance of documentation to fill the gaps in effective governance and service provision, other actors have employed legal identity documents as part of projects embarking on more ambitious state-building. For instance, the Islamic State established its own consolidated systems and strict procedures for issuance of legal identity documents (Callimachi 2018). While for many of the opposition actors, legal identity documentation served as a means to contest the authority of the Syrian government at the same time as respecting the sovereignty of the state borders as established in the early twentieth century, the Islamic State employed civil documentation as a tool to radically subvert the definition of the Syrian state. Compared to published literature on the legal identity and civil documentation situations under opposition and Islamic State control in Syria, relatively little attention has been given to that of the Kurdish-led Self Administration, which governs *de facto* autonomously across large stretches of territory in the north of Syria (for a practitioner perspective on civil documentation issues in opposition controlled areas in the northwest and south of Syria, see NRC and UNHCR 2017a, NRC and UNHCR 2017b; also Adamczyk and Doumit; Grant-Brook this volume; on children born under the Islamic State, see Van Eijk 2021).

As the country’s largest ethnic minority (some 10% of the population) under an exclusionary Arabist regime, the Kurds had long been victims to discrimination and persecution by the Syrian state (Human Rights Watch 2009). This included the exceptional 1962 census in Kurdish-majority Hassaka governorate that had deprived some 300,000 Kurdish inhabitants of their Syrian citizenship by 2011 and produced two categories of stateless Kurds: *ajanib*, so-called ‘foreigners’, and *maktumeen*, those completely unregistered and suffering even greater rights violations (Human Rights Watch 1996; McGee 2014). Naturally, therefore, many Kurds played an active role in the anti-

government protests associated with the Syrian Revolution in 2011 (McGee 2012). At the same time, however, the Kurdish political parties generally remained on the sidelines or were 'unwilling to participate in anti-regime protests' (Daher 2018, 297). For its part, the Kurdish Democratic Union Party (*Partiya Yekîtiya Demokrat*, PYD) responsible for the set-up of the Self Administration has navigated a 'third way' approach that situates it on a middle-ground pathway between the Syrian government and its opponents in the Syrian Revolution (discussed further below). This unique situation makes the Kurdish-led Self Administration an interesting case study for considering non-state actors' engagements within the field of legal identity.

Generally, existing literature on legal identity under rebel governance has proposed a theoretical typology for 'how non-state armed groups register the populations under their control', identifying three main positions on a spectrum: i) groups (e.g. Islamic State) that – 'in a state-like manner' - seek maximum control over the population in their territory; ii) 'groups that take a more compromised position' (e.g. the Liberation Tigers of Tamil Eelam) and do not generally issue identity documents to civilians but rather leave this to the system of the central state; iii) minimal forms of governance whereby non-state armed actors lack either sovereign ambitions or capacities (Fortin, Klem, and Sosnowski 2021, 128). Within this structure, the Kurdish-led Self Administration arguably includes elements of all of these three models. While issuing some forms of civil documentation, its calculated approach towards coexistence with the Syrian government's legal identity system perhaps most closely conforms to the second typology. Moreover, showing strategic restraint, the Self Administration has largely avoided contentious practices and terminologies that could be seen as challenging the legal identity 'sovereignty' of the central state. This approach to legal identity is exemplary of the Self Administration's wider approach to managed coexistence with the Syrian government – engaging in a calculated mixture of competition and compromise.

In view of the above, before going on to discuss the Self Administration's practices regarding legal identity documentation in detail, it is necessary to outline a number of more nuanced considerations relating to how the Self Administration is situated alongside the structure of the central state. The following section of this paper thus considers the broader nature of the Self Administration as a governance structure and its relation to the state of Syria, and provides a short history of the evolution of the Self Administration from the 'Rojava' project that emerged in early 2012 to its current-day formulation.

### **The status of the Kurdish-led Self Administration: an insurgency or an unrecognised state?**

The Self Administration led by the Kurdish-run Democratic Union Party (*Partiya Yekîtiya Demokrat*, PYD) took hold in the power vacuum of northern Syria in early 2012 after the Syrian government withdrew much of its presence from the area in order to concentrate its resources on other regions as protests swept across the country.<sup>2</sup> The PYD had been formed in 2003 as a sister party in Syria to the Kurdistan Workers Party (*Partiya Karkerên Kurdistan*, PKK), which had largely focused on advancing the Kurdish national question in Turkey since the 1980s.<sup>3</sup> Following the 2012 Syrian government withdrawal, the Kurdish-majority territories that were *de facto* governed by the PYD and its evolving administrative set-up were

collectively termed ‘Rojava’ - meaning ‘western’ (Kurdistan) – and this name was initially applied to the self-governance project as a whole. Indeed, 19 July is popularly considered as the date of the ‘Rojava Revolution’ anniversary, marking the moment in 2012, when these Kurdish actors first took control of territory in northern Syria.<sup>4</sup> As time has passed, the governance system has undergone various re-formulations through expansions and reductions as a result of changes in control of territory. From 2015 onwards, as its military wing received US-led international support to combat the Islamic State (ISIS) in Syria,<sup>5</sup> the Kurdish-led governance system was re-framed as the ‘Syrian Democratic’ project in order to be more inclusive to non-Kurdish populations under its expanding jurisdiction. This resulted in the establishment of the Syrian Democratic Council as a more multi-ethnic governance actor in parallel to the Syrian Democratic Forces (SDF) as its military counterpart. (For more on the evolution of nomenclature, see previously published work: McGee 2022).

Situating the Kurdish-led Self Administration within the concepts of insurgency and/or unrecognised states is a task fraught with complexity and controversy. Identification with these terms is troubled by both internal and external assessments of their application to the project under question. While its Kurdish leaders themselves reject that they seek to form a state-like entity, others deny that they are true insurgents or ‘rebels’. That said, objectively at least, the English term insurgency seems less contested and appears to adequately fit the situation of the parallel governance and military functions carried out by the leading non-state Kurdish actors in Syria since they took control of swathes of territory in northern Syria during early 2012. Nonetheless, such terminology is often contested in the local context. Indeed, notions of ‘revolution’ are somewhat ambiguously applied with relation to the Kurdish-led Self Administration (for a more nuanced discussion on this, see Khalaf 2023). Terms such as ‘rebels’ or ‘revolutionaries’ (*al-thuwar* in Arabic) are contextually understood as shorthand to refer to the movement and actors linked to the so-called ‘mainstream’ armed opposition of the Free Syrian Army (FSA), who claim their provenance through the Syrian Revolution of 2011, and have largely operated out of, and received backing from, the Turkish state. In Syrian parlance, therefore, this term is often reserved for a specific movement from which the PYD has both been excluded and excluded itself.

Such divergent semantics speaks to a contested application of the concept of ‘insurgency’. Equally, in view of the strong operational differentiation between the Kurdish military actors and their linked governance bodies, the Self Administration would itself argue that it is more than a mere insurgency. Indeed, though linked, the governance and military/security entities have emerged as largely distinct bodies, and as such Kurdish armed actors do not themselves play any role in the issuance of legal identity documents beyond the provision of security permits to facilitate freedom of movement, and maintenance of the conscription system (discussed further below). Rather, Self Administration proponents highlight that their project goes beyond simply insurgency as it takes on the bottom-up governance principle based on the ‘democratic confederalism’ model as espoused by the Kurdish ideologue Abdullah Ocalan in his writings while being held in prison in Turkey since 1999 (For background on the concept of ‘democratic confederalism’, see Jongerden and Akkaya 2013; Gunes 2019; Matin 2021; and on its implementation in Syria, see; Cemgil 2021). While employing Kurdish terms evocative of armed

rebellion - *serhildan* (uprising) or *şoreş* (revolution), they tend to frame the ‘Rojava Revolution’ as more of a social revolution or a transformative revolutionary philosophy.

In practice, the Self Administration has since 2011 cut a pragmatic path of not overtly challenging the government (despite decades of repression of its members and fellow Syrian Kurds at hands of the Syrian state). Its proponents describe this stance of siding with neither the government nor the mainstream opposition as a ‘third way’ (Knapp 2018; Çifçi 2018). In general, the Self Administration has taken a calculated approach of coexistence alongside the Syrian government, based on complex dynamics of selective cooperation (usually for issues of mutual benefit) and competition. The balance between competition and coexistence is explicated by policies in the education sector, where the Self Administration has developed its own parallel multilingual curricula, while accepting that many teaching staff continue to receive salaries from the central government (see Martin [forthcoming](#)). Broadly speaking, through a combination of pragmatic collaboration and strategic compensation, the Self Administration has been able to preserve the continuity of government services to a much greater degree than other areas outside control of the central state. The fact that many more civil registries have remained intact (even sometimes retaining the regime’s political symbols) has caused detractors of the Self Administration to accuse it of collusion or collaboration with the repressive structures of the Syrian state.

On the question of its state-like behaviour and aspirations of statehood, the Kurdish-led Self Administration has also tended to frame its goals and motivations differently. While often presented by external actors as having ambitions of establishing an independent Kurdish state, the PYD has purposefully distanced itself from such expressions and separatist framings (for more on this disconnect, see McGee 2013).<sup>6</sup> Instead, its own discourse employs anti-statist language, while the movement presents its sub- and trans-state grassroots governance model as a viable alternative to the prevalent nation-state system currently in operation. That said, it has so far respected the boundaries and sovereignty of the current Syrian state and, instead of advocating for secession, has sought to establish its system within the framework of the current state of Syria. Indeed, Zagoritou has considered the Self Administration as a hybrid form of state-like entity, maintaining certain trappings of statehood while lacking the declaratory aspect of a classic nation-state, and simultaneously incorporating alternative governance approaches ([forthcoming](#)). Further, in contrast to other non-state actors in the Syrian context (e.g. the Syrian Interim Government), the Self Administration has purposefully avoided employing potentially contentious terminology for its governance structures, e.g. it does not use the terms *hukûme* (government), *barlaman* (parliament) and *wazara* (ministry). Instead, it uses terms such as committee and council, e.g. Executive Council (*al-majlis al-tanfizi* in Arabic; *Encûmena Cîbicîker* in Kurdish).

As such, against the backdrop of somewhat contradictory accusations of collaborating with the Syrian government and simultaneously seeking independence from it, I argue that the somewhat unique governance approach of the PYD and Self Administration at large can be well elucidated by studying its stance regarding the issuance of civil documentation and coexistence alongside the existing legal identity system of the

Syrian government. Indeed, this case reveals a more complex story of multiple parallel dynamics.

### **The Self Administration approach to legal identity documents: avoiding state mimicry yet expanding its ‘jurisdictional subjecthood’**

In view of the above sketch of the Self Administration’s governance project, the following sections of the paper focus specifically on its approach to legal identity documents by addressing three key sub-questions: Firstly, I consider how the Self Administration uses the concept of legal identity to determine the population of subjects under its jurisdiction. In other words, how does the Self Administration delineate those who – through its own articulations and actions – are considered under the operation of the rules and regulations issued by its governance entities? Secondly, and relatedly, I go on to discuss the kinds of physical paperwork issued by the Self Administration to its jurisdictional subjects, and others present in the territory. Thirdly and finally, I assess the position of the Self Administration with regard to civilians residing in its territories accessing civil documentation issued by the government of Syria – to what extent does it discourage and/or facilitate its jurisdictional subjects from doing so?

While the Self Administration can be considered to have governed effectively, albeit imperfectly (Khalaf 2016), it has strategically opted not to engage in certain potentially sensitive matters that might be considered as pertaining to sovereign authority. In terms of legal identity documentation, it has avoided issuing an equivalent to the National ID cards of the Syrian government. Moreover, it continues to recognise such documents issued by the Syrian government when presented by residents in its territories. However, it has developed certain alternative forms of subsidiary documentation (discussed further in the next section) to respond to the gaps for those lacking these documents (i.e. people unable to access new documents and/or unable to replace lost versions). It should be noted that while the Self Administration’s military wing, the SDF, has received sustained US and wider international backing to combat the Islamic State since 2015, and selected Self Administration governance entities have been partners of western state donors for ‘Stabilization’ programming, international actors have not had any notable role in, or influence over, the Self Administration’s systems for the issuance of legal identity documents. This is in contrast to civil documentation systems previously established in opposition-controlled Northwest Syria, which were supported by internationally funded programmes (Lund 2020b; Fortin 2021, 38).

The Self Administration in northern Syria has refrained from mimicking the role of state in formally determining who is a national of the country. This deviates from practices of the Kurdish authorities in Iraq who, arguably illicitly, engaged on issues of naturalisation during their early development as a *de facto* semi-autonomous governance entity. Indeed, the policy of the Kurdistan Region of Iraq (KRI) to promote the naturalisation of some Kurdish refugees from Syria (who arrived as the result of the 2004 Qamishli uprising) proved highly controversial (This issue is discussed further in McGee and Omar Yassen 2023). Such individuals who were granted Iraqi citizenship through the intervention of Kurdish staff working in the local offices of the Ministry of Interior in the KRI, have been the subject of controversy in Iraq, with the validity of their identity documents largely disputed by the central state. In contrast to this policy of Kurdish-



facilitated naturalisation in Iraq, the Kurdish-led Self Administration in Syria has been cautious not to stray into influencing sovereign matters of defining who is considered as a citizen of the state. In fact, the Self Administration has never sought to challenge, compete with, or influence, the Syrian government's monopoly on nationality documentation, and it appears to accept that only the central state can be responsible for nationality and citizenship documentation. Perhaps, the Self Administration has been particularly cautious in being perceived as challenging the ultimate authority of the Syrian government (as the opposition has in areas under its control) in order to assuage accusations of separatism made by its detractors.

Accepting this position, therefore, it is important to consider how the Self Administration has operationally determined who is a subject under its own jurisdiction. While not challenging the Syrian government on who is included as a citizen of the state, within its foundational documents and subsequent legislation the Self Administration has (re-)defined who is considered as a subject of its unique governance project. Significantly, this includes addressing those stateless Kurds who had been historically excluded from public life after they – and their ancestors – were stripped of citizenship following the 1962 census in Hassaka governorate (see Human Rights Watch 1996; McGee 2014). While the Social Contract, which serves as equivalent to a constitution for the territory under the rule of the Kurdish-led Self Administration,<sup>7</sup> does not expressly define who is a legally identified subject, it does present an aspirationally inclusive concept of jurisdictional subjecthood: 'We the peoples of the Democratic Self Administration regions, comprised of Kurds, Arabs, Syriacs (Orthodox, Chaldeans and Aramaic) and Turkmen, Armenians and Chechens . . .'.<sup>8</sup> In fact, membership within the Self Administration has been flexibly delineated in order to accommodate evolutions in the territory under Kurdish-led control. That said, Article 14 of the Social Contract makes implicit reference to the inclusion of stateless Kurds who had previously been excluded from citizenship by the Syrian government: 'The Autonomous Regions shall seek to implement a framework of *transitional justice measures*. It shall take steps to redress *the legacy of chauvinistic and discriminatory State policies*, including the *payment of reparations to victims*, both individuals and communities, in the Autonomous Regions (my emphasis)'. It is unclear what reparation steps have been taken by the Self Administration in practice, but – if nothing else – its rhetorical positioning on this issue is symbolically important given the historic failures of the Syrian government to acknowledge such injustices.

Rather than defining jurisdictional subjecthood through a (proto-)Nationality Law or laws related to civil documentation, the Self Administration has issued alternative legislation (e.g. Elections Laws; the Absentee Property Law) to practically define subjecthood under other categories of personhood (e.g. 'the voter', 'the absentee'). Such other laws subsequently introduced by the Self Administration make more explicit reference to not distinguishing between statelessness and nationality statuses. As such, the Self Administration does not subscribe to the exclusionary assignment of legal identity historically put forth by the Syrian government that has discriminated against the Kurdish community in the northeast (Hassaka governorate). Specifically on the question of stateless Kurds of Syria, therefore, the Self Administration, instead operates with a form of operational legal identity irrespective of the nationality status ascribed by the central state.



For instance, both Articles 1 and 6 of the 2017 Electoral Law define voters as including ‘all Syrian citizens belonging to the regions of the Democratic Federation of Northern Syria or those of similar status such as *maktumi al-qaid* and those deprived of [their] citizenship’ who meet the other eligibility criteria (Electoral Law 2017; see also Hamidi 2017). Within the subsequently issued Executive Regulations of the same Electoral Law (2017), Article 4(2) clarifies the phrase ‘of similar status’ (*min fi hakimhum*) by referencing: *maktumi al-qaid*, who have no entry in the civil registry in the areas they are residing in, and those ‘citizens deprived of Syrian citizenship in the exceptional census of 1962, and the laws and decrees that have followed this census’. Further, Article 10, which defines the requirements and process for submitting candidacy as a member of one of the councils within the Democratic Federation of Northern Syria, states that individuals should present a copy of their personal ID card, passport or civil registry extract, but adds that any document related to *maktumeen* or those deprived of citizenship will be accepted.

Similarly, the Self Defense Duty Law (2019) stipulates in Article 1(d) that the duty-bearers include ‘those who hold Syrian nationality and those of *similar status* who are *ajanib* and *maktumi al-qaid* [a reference to the two categories of stateless Kurds in Syria]’. A year later, the Self Administration issued its Absentee Property Law, which defines an ‘absentee’ as ‘any person who carries Syrian citizenship or equally to *maktumi al-qaid* or those stripped of Syrian citizenship through the 1962 census and living permanently outside the borders of Syria with no first or second degree relative living in Syria’ (Article 1, Absentee Property Law 2020). Although this law proved controversial and was later suspended (see: Enab Baladi 2020), the inclusion of formerly excluded stateless Kurds is significant. As such, to the extent possible as a non-state actor not possessing sovereign responsibility, the Self Administration has in practice, therefore, taken a positive step in addressing the historic injustice lived by stateless individuals. It has done so by subtly modifying the definition of belonging implied in the subjecthood under its jurisdiction in parallel to not interfering in the question of citizenship as governed by the Syrian Ministry of Interior in Damascus.

Actors in other contexts have largely secured equal rights for such individuals through making their statelessness effectively invisible. For instance, in the Kurdistan Region of Iraq, neither the authorities nor the United Nations distinguishes between refugees holding citizenship and stateless refugees from Syria (see: Norwegian Refugee Council 2022; McGee 2020). In contrast, the Self Administration in Syria has insisted on recognising their statelessness as part of a transitional justice project of re-defining subjecthood under its *de facto* jurisdiction. (For a wider discussion of statelessness for Syrian Kurds within a transitional justice perspective, see Bahram 2021). Building on the implicit reference within the Social Contract (mentioned above), the Self Administration has progressively acknowledged the reality of statelessness and need for restitution while promoting active inclusion of this constituency, even though – as a non-state actor – it is not in a position to ultimately remedy this issue.<sup>9</sup> As such, while the Self Administration has effectively modified daily notions around legal identity and belonging, it has done so without overtly challenging the civil documentation system of the central state. This is perhaps somewhat surprising for a group that has been largely framed by detractors as having separatist aspirations, including sometimes by the Syrian

government itself (Atar 2022). In light of speculation and suspicion about separatist aspirations (see, e.g. Al-Jazeera 2013; Rustum 2022), the case of civil documentation urges one to consider such claims by detractors through a more nuanced and pragmatic lens.

### Documentation issued by the Self Administration - filling the gap

As discussed above, the Self Administration has largely refrained from provocatively challenging the state nationality system by issuing documents resembling or conflicting with the Syrian Personal ID card (*hawiya*). It has, however, developed a system to provide subsidiary forms of civil documentation to residents in its territories. Such documentation is primarily required for pragmatic purposes, or to facilitate the transactions and activities of everyday life within the Self Administration controlled territories. This includes the issuance of driving licences for freedom of movement within Self Administration governed territories, fuel distribution booklets, etc., for the receipt of vital services and commodities, and military conscription booklets (for those required to serve in the Self Defense Forces).<sup>10</sup>

In addition to such sector-specific forms of identification for local populations, the security situation has also raised the importance of ensuring that all people residing in the area (even temporarily) possess identity documents. A series of identity cards specific to internally displaced persons (IDPs) originating from outside the territories under SDF control have been issued, including the ‘visitor card’, ‘newcomer [or expatriate] card’ and the ‘IDP [Camp] card’ (Norwegian Refugee Council 2023). Indeed, on 15 January 2022, the Executive Council of the Self Administration introduced a system to issue ‘newcomer’ cards to citizens arriving in the area based on Islamic *sheikhs* and tribal representatives vouching for individuals’ identity. This was stated to be a response to security threats posed by ISIS sleeper cells and to facilitate freedom of movement for IDPs residing in territories under Self Administration governance and control (Radio Rozana 2022). As such, this measure was framed as a pragmatic security imperative rather than a governance mechanism or tool of sovereignty. Nonetheless, criticism has been levelled that such procedures are burdensome and ultimately limit the freedom of movement for IDPs.

By way of personal identification, more broadly, the most basic form of documentation is issued by the communes (*komîn*), the village or neighbourhood councils. They provide residents with ‘confirmation of residency’ documents akin to those previously issued by the local *mukhtar* under the Syrian government system. This is often a starting point to initiate other procedures, and for the acquisition of other forms of legal identity documentation. For example, this is necessary to register a marriage or to apply for the ‘Communal Living Contract and Family Book’ (known in Kurdish as *Hevpeymanana Jiyana Hevbeş û Lênûska Malbatê* and in Arabic as *aqd al-hayat al-mushtaraka w daftr al-aile*) through the People’s Municipality (*baladiyat al-sha’b*) in the Self Administration territories.<sup>11</sup> This document, introduced in 2015, serves as an equivalent of the Syrian government-issued Family Book (*daftr al-aile*), but permits individuals to belong to a social or housing unit based on civil as well as religious marriage. This is an area of significant deviation from the central state civil registration system dependent upon the

religious-based Personal Status Law(s) (For background on Family Law under the Syrian government, see Maktabi 2010). Indeed, the Self Administration has established a somewhat idiosyncratic system with regard to the registration of marriages, which reflects its unique approach to gender equality and outlawing certain common practices deemed contrary to this principle.

As observed by Kurdish journalist Mustafa Abdi, the Communal Living Contract is notable in that it includes space for only one wife rather than up to four in the government-issued Family Book, and that it is available for all residents inclusive of stateless Kurdish *maktoumi al-qaid* (Facebook post, 6 April 2015). Another Kurdish commentator remarked in 2015 that ‘family books, identity cards and passports have a sovereign value, meaning that they should be printed nationally and that the local authorities should only be able to add a special symbol to them’.<sup>12</sup> These ambivalent reactions to the issuance of the Communal Living Contract reflect its somewhat ambiguous nature as a document that coexists alongside the system of the Syrian government while simultaneously furthering the unique gender dimensions of the Self Administration project (for more on the Self Administration’s laws on gender equality, see Knapp and Jongerden 2020, 308). Indeed, many people apply for the ‘Communal Living Book’ in addition to updating their government of Syria issued Family Book. While the former is useful for everyday practical matters and as an expression of political legitimacy of the Self Administration, the latter is important as it is recognised as an official document outside Syria, or for confirming nationality. The next section discusses in further detail the coexistence of the emergent Self Administration documentation alongside the Syrian government’s more established civil identity system.

### **Self Administration position of residents’ access to Syrian government legal identity systems: coexistence and (uneasy) complementarity**

Although the Self Administration controls most of North and Eastern Syria, forces and authorities of the central state have maintained control in some areas, most notably around the cities of Qamishli and Hassaka. These areas of government control are known as ‘security squares’ and house state intelligence, military and other government buildings, including courts and civil registries (Lund 2020a). Significantly, therefore, it is possible for some residents within Self Administration territories to access Syrian government civil documentation offices in these locations. Although many are unable or unwilling to cross the line of control due to fears of arrest or recruitment into the army, some inhabitants living under the Self Administration do travel to government-controlled territory in order to register their children’s births within the central government’s civil documentation system. Reportedly, the Self Administration does little to deter locals from making such trips for the purpose of completing paperwork. As a result, it has been noted that the documentation status of civilians in the northeast has been ‘relatively good’ compared to areas under ‘opposition’ control (Lund 2020a).

Indeed, officials who work with the Self Administration have taken steps to register their children’s births with the government of Syria in order to ensure their access to Syrian citizenship. For instance, a Kurdish official from Kobani interviewed for this research undertook a trip to the governorate capital of Aleppo city to register the birth of his son with the Syrian government. Alternatively, like elsewhere in Syria, some people

are registering vital events through family members living in Syrian government territories – or are otherwise resorting to use of brokers to complete such processes (Sosnowski and Hamadeh 2021). It appears that the Self Administration has taken a pragmatic approach of not seeking to obstruct or deter people from completing such administrative processes.

Even outside the two Syrian government-controlled enclaves in Qamishli and Hassaka, the sub-offices of the civil registry (*nifus*) remain in operation in smaller towns within the territories of the Self Administration. Often, they remain staffed by the cohort of local employees who had been working there alongside other officials dispatched from Damascus and elsewhere in the country. An interview with a Kurdish employee in one such office revealed that they continue to register vital events as they did before in the registries, but that the *hasoub* (digital record) has been closed for a number of years, and as such this data is not inputted into the central registries. The staffer explained: ‘We are doing everything by hand, but we have it all ready to share with the Civil Affairs Directorate in Damascus should the connection with the government be re-established in the future’.

While the government of Syria does not recognise any Self Administration-issued documents, the Self Administration does recognise documents issued by the central state. At the same time, however, many Kurdish inhabitants wish to show their support for the self-rule project by acquiring locally issued documents (with the multi-lingual headings). For instance, the Self Administration’s driving licence system is linked to Kurdish car registration plates. By extension, these documents are therefore linked to a highly visible form of Kurdish identity, which provides legitimacy to the Self Administration governance system. The Self Administration has consequently developed subsidiary forms of legal identity that operate in parallel to the sovereign system of citizenship (passports, national ID cards), which remains the unique ambit of the central state.

### Conclusion: competing with, or complementing, the central state?

Considering the case of the Kurdish-led Self Administration in Northern Syria, this paper has highlighted the complex variation of competitive and complementary dynamics of coexistence within the Self Administration’s approach to legal identity with regard to the established system of civil documentation by the Syrian central state. While not seeking to replace the Syrian government’s nationality system, the Self Administration has introduced its own subsidiary legal identity processes to exist alongside it. Thus, the case in question supports the call for more nuanced study of how non-state actors issuing legal identity documentation situate themselves vis-à-vis the central state.

### Notes

1. As with much of the literature on nationality and statelessness issues, within this paper I employ the terms ‘nationality’ and ‘citizenship’ interchangeably to refer to the formal legal bond between (the Syrian) state and (its) citizens. See for instance (Adjami and Harrington 2008; Belton 2011; Gibney 2014). While Von Rütte has noted that conceptual distinctions between the two terms do exist and differ ‘depending on the discipline, legal tradition and

language' (2022, 12), these technical differences are not pertinent to the discussion within this paper.

2. The Self Administration is currently also known as the Autonomous Administration of North and East Syria (AANES). It should be noted that various nomenclature have been used for this evolving project. For simplicity's sake, I refer to the Kurdish-led Self Administration to cover the governance system in its changing formulations over time.
3. The PYD-PKK relationship has been operationally complex, especially since the latter is considered as a terrorist group by the United States and European Union (Kaya and Lowe 2016).
4. This was the date that the PYD and its military wing, the People's Defense Units (*Yekîneyên Parastina Gel*, YPG) took control of Kobanî (canton). This was followed by takeovers in Afrin and Jazeera also. NB: The 'Rojava Revolution' is also known as *şoreşa 19ê tirmehê* (the 19th July Revolution).
5. For more on the complex dynamics, including shared tactical interest and divergent ideology, within the US-SDF partnership, see (Knights and van Wilgenburg 2021).
6. The preamble of the Social Contract, the Self Administration's foundational document (discussed further below), clearly states its respect for Syria's established national borders.
7. This was first adopted for the three cantons of Afrin, Kobani and Jazira in 2014 as the Charter of the social contract in Rojava (Syria) <https://pydrojava.org/%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%A7%D9%84%D8%B9%D9%82%D8%AF-%D8%A7%D9%84%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D9%8A>. It has since been updated, most recently in December 2023.
8. This translation, and that of all legal texts referenced in this article, is the author's own unless otherwise stated.
9. It should be noted that, despite these positive steps, stateless Kurds in the Self Administration areas are still sometimes unable to access money transfers (*hawala* payments) and may be excluded from subsidised food and winter fuel programmes as in practice staff responsible for such transactions/distributions often ask for presentation of Syrian government documents (Author interview with Kurdish journalist, January 2024).
10. All males unless otherwise exempt between the ages of 18 and 30 are required to serve in the Self Defense Forces. Exemption conditions and period of mandatory service have varied over the years (partly due to military expediency), yet broadly speaking it is necessary to serve for at least a year.
11. The Law of the Communal Living Contract was issued on 20 February 2014 by the Municipalities Development Centre in cooperation with the Women's Council, and entered into force on 5 March 2014. It has since been standardised across all territories under Self Administration rule. 'Communal Living' is the rough translation for *al-hayat al-nadiya al-mushtaraka*, which is an integral part of the philosophy underpinning the Self Administration's approach to social affairs.
12. Farooq Haji Mustafa, Editor in Chief of Berçav, Facebook post, 6 April 2015.

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