

THE BRČKO MODEL AND THE KURDISH QUESTION IN SYRIA: A VIABLE COMPROMISE?

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THE ISSUE

To be negotiable, peace arrangements need to introduce mechanisms that provide sides engaged in conflicts with guaranteed positive outcomes. International engagement based on the Brčko model—relying on neutral arbitration at the local or national levels—could prevent deadlocks and address each sides' fundamental fears of non-enforcement and implementation in places like Syria.

We aim to address the following dilemma in the Syrian post-Assad transition. On the one hand, committing to an inclusive and decentralized structure at the present stage would primarily satisfy the Kurdish community as well as the Alawite, Druze and Christian communities. On the other, agreeing to postpone this option and only to review the possibility of power-sharing and decentralization in a future Syrian constitution would serve majority Sunni group concerns and the interests of the new leadership in Damascus. Given the significance and seemingly binary nature of this issue, how can a viable compromise be reached? What could precedents from elsewhere offer, for instance from respective negotiations in Bosnia and Herzegovina as well as Northern Ireland?

The answer lies in a twofold process that combines an inclusive, democratic and Syrian-led process with the facilitation of neutral international arbitration. Below we outline some of our findings from Bosnia and Herzegovina as well as the relevance of the Brčko Model, a self-governed border district in northeastern Bosnia that was transformed from one of the most contentious aspects of the Dayton Accords into a success story. The region experienced deadly violence and was particularly difficult for both sides to the conflict to compromise on. For the Bosniaks, they had been the most populous community in the region prior to the ethnic cleansing that accompanied the conflict. For the Bosnian Serbs, it was the corridor that would join or separate the two parts of the Republika Srpska.

For Syria, Brčko could inspire two aspects of conflict resolution: a) decentralization at the municipal level, particularly in enclaved towns facing similar challenges as the Bosnian district (e.g. Raqqā) and b) arbitration involving governance at the local level overseen by an international supervisor. Importantly, the Brčko arbitration led to the region becoming a self-governed condominium, enabling parallel

jurisdictions by both entities. Those legal entitlements however were not held unconditionally but linked to the contributions of each entity to the implementation of Dayton's principles in Brčko, thus introducing a self-enforceable mechanism of relevance to Syria and other post-conflict societies.

Since then the district has been praised for many achievements including an integrated educational system and good governance. In October 2025, at the conference Peace, Power-Sharing, and Citizen Inclusion: Lessons for and from Bosnia and Herzegovina at the University of Sarajevo, Miro Lazović, President of the Assembly of the Republic of Bosnia and Herzegovina from 1992 to 1996, argued that the whole of Bosnia should be governed as Brčko, a reference to the latter's arbitration mechanisms that helped overcome the problems facing the rest of the country. In a similar way, the Trump plan on Ukraine included implementation provisions along the same lines, while related proposals have been made by the authors for Cyprus as part of resolving outstanding issues and addressing fears that a peace settlement will lack enforcement mechanisms. Below we demonstrate how, in Syria, fears of exclusion from government as well as mutual anxieties on non-implementation could be addressed by drawing on such international precedents.



City of Brčko

About Inclusive Peace: Citizen Inclusion in Power-Sharing Settlements

The Inclusive Peace project is an international collaborative research initiative which investigates the adoptability and adaptability of power-sharing settlements, including what influences a citizen's decision to endorse settlements and their capacity to shape those agreements over time. The project is funded by an Open Research Area 7 grant.

KEY FINDINGS

First, a transitional administration would have to be established in Damascus following elections but with a prior agreement that would allocate cabinet seats to all political parties that receive more than five percent of the votes. The simplest and fairest way to distribute power is to reward all parties joining elections with parliamentary as well as ministerial positions proportional to each party's share of votes. This arrangement would secure a majority position for the formerly disadvantaged Sunni majority while broadening participation to include smaller but politically significant communities. This is an inclusive arrangement that acts as an 'insurance policy' to all political parties representing ethnic or other constituencies avoiding the worst-case scenario that future coalitions will permanently exclude them. It also eliminates potential dysfunctionalities and delays in the formation of government coalitions as well as guarantees that the process meets UN Security Council Resolution 2254 'for an inclusive Syrian-led political process that meets the legitimate aspirations of the Syrian people.' Such a representative and proportional system was employed both in Northern Ireland as well as Brčko itself; in both cases decisions were made with the effective participation of all communities for instance on specific issues in Brčko involving the affirmative votes of at least one-third of Councilors from each constituent people.

Second, decentralization and multi-level governance should be considered but in conjunction with backstops and arbitration mechanisms that would aim to secure Syrian unity and minimized threats to third countries. If parties fail to reach an agreement on multi-level governance

structures in the Syrian constitution, a neutral body will be authorized to make both interim and final determinations. This body would be led by a senior diplomat from a neutral country (such as Canada, Germany or the U.S.) and would have decision-making authority in cases where Syrian leaders or the cabinet are unable to reach a consensus. Enclaved or ethnically and religiously divided Syrian cities could also be governed as in Brčko minimizing tensions over territoriality. Arbitration could be pre-agreed on final status decisions rewarding the side that has contributed the most in implementing its commitments. This means that the inclusivity principle described above at the local level or for the executive cabinet would not hinder implementation and good governance prospects.

Besides relying on a conjoint experiment in Bosnia and Herzegovina itself supporting the merits of international arbitration, we also explored benchmarking criteria for a potential neutral tribunal/arbitrator. They should consider the following factors in their determinations:

- The ultimate objective of ensuring that each community has a degree of self-governance while maintaining strong intergovernmental coordination and national oversight mechanisms.
- The impact of de facto decentralization arrangements on Syria's national development objectives and unity against secession, the security of all Syrian communities, as well as peaceful relations with neighboring countries.



Damascus, Syria

KEY FINDINGS

A key provision is for the tribunal to give priority to the preferences of the party that has demonstrated adherence to the constitution and its own commitments. Each party would comply with the implementation of interim security, federal, and governance provisions prioritizing, for instance, the right of return for all displaced individuals and the principle of peaceful dispute resolution (non-violence).

Drawing on legal frameworks from other peace settlements, such as the Dayton Agreement, parties would be required to resolve disputes arising from the implementation process through impartial and peaceful arbitration. In line with these principles, the tribunal would be vested with the authority to adjust or curtail the legal entitlements of any party that refuses to recognize and adhere to the outcomes of this process, thereby reinforcing the enforceability of its rulings. Failure by any party to uphold its obligations under the implementation process would result in the forfeiture of its legal entitlements. For the Kurds (or Alawite and Druze communities), this may include risking the right to seek recognition—whether domestic or international—of a decentralized Kurdish entity. For the national government, non-compliance may lead to the loss of its international recognition as the sovereign authority over Syria as a whole or in areas inhabited/controlled by non-Sunni communities.



Brčko City Hall



*Damascene Sword Monument,
Umayyad Square, Damascus*

To gain a clearer sense of citizens' preferences in Bosnia and Herzegovina on a range of constitutional issues, IPSOS was commissioned to conduct a face-to-face survey, including a 'conflict resolution preferences conjoint experiment.' The survey ensured a nationally representative sample of respondents through a multistage stratified random sampling procedure. There were over 2,500 respondents with data collection running from February to April 2025. Research findings reinforced the observation on arbitration and how it is viewed by the Bosnian public. Among the various dimensions the type of conflict resolution methods overshadowed other considerations, such as the nationality and gender of the High Representative or their respective approaches to consulting political parties or civil society. Conventional mediation (carrots and stick approaches) options seemed to be the least popular among respondents in the conjoint experiment. Although the Bosnian public preferred the least interventionist facilitation processes, arbitration was particularly popular among members of the majority group as a deadlock-resolving mechanism, particularly with regards to addressing minority veto mechanisms.

POLICY LESSONS



Brčko District

A key policy lesson is that arrangements combining inclusivity—rewarding all political parties with government positions proportionally and guaranteed outcomes through mutually agreed neutral arbitration—are likely to be more **enduring in the long-term and adoptable in negotiations** by all parties in the short-term including neighboring states with significant influence in the current process.

Türkiye or any other party involved and supporting the process of Syrian reconstruction could propose safeguard mechanisms. For instance, **a Turkish security backstop could secure relations with its own internal Kurdish community** and the potential use of Syrian-Kurdish territory or resources in support of PKK activities. In response to these fears, the neutral tribunal would curtail Kurdish autonomy and other legal entitlements if PKK ties in northeastern Syria result in activities that threaten legitimate Turkish security concerns.

At the same time, this approach seeks to uphold the prospect of Kurdish autonomy—secured in the context of the war against ISIS—while preserving Kurdish-U.S. relations and preventing the emergence of another destabilizing conflict that could draw in additional regional and international actors, including Israel. Similarly, any legal entitlements claimed by third countries in Syria, such as the potential presence of international troops/peacekeepers or other strategic considerations, would be subject to review and adjudication in accordance with these principles, **ensuring a balanced and rules-based approach to post-conflict governance**.

The drafting of such principles is not unprecedented. For instance, constitutional drafters in Syria could investigate [Par. 21 of the of the Brčko supplemental award](#) below stipulating the following as a response to non-compliance by one of the sides:

*...the Tribunal feels impelled to send an obvious but important message to the RS's political leaders: given the RS's systematic **non-compliance with (indeed, defiance of)** the Dayton Accords in the Brcko area for much if not all of 1997, the Tribunal's final IEBL decision in late 1998 or early 1999 **will surely diminish the RS's position** in the Brcko area unless the RS by that time has carried the burden of demonstrating very clearly that it has truly reversed course and committed itself to an apparently permanent program of **full Dayton compliance** and revitalization of the area. To carry that burden the RS will need to be in a position to show significant new achievements in terms of **returns of former Brčko residents**, unfettered freedom of movement, strong support for the multi-ethnic governmental institutions including the multi-ethnic police force...*

In Syria and elsewhere, we recommend that such a neutral arbitration body oversees compliance with the implementation process while also addressing the legitimate national security concerns of all communities and neighboring states. The Brčko supplemental and final awards are not the only precedents Syrian constitutionalist could draw from but an example of how lessons from around the world could incentivize negotiations and reunite the country. It would be equally important for stakeholders across conflict zones themselves to draw such precedents first-hand by engaging in the current debates on the thirty-year anniversary of the Dayton Accords.

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