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State-Building in Libya

Integrating Diversities
Traditions and Citizenship

Edited by Arturo Varvelli

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Introduction

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Since the revolution in 2011, the Libyan crisis has increasingly imposed itself as a global issue. Particularly over the past few years, Libya has indeed moved from being a merely domestic dispute to gathering the interests of different foreign players, thus coming to represent a matter of international security. In light of the recent developments in the local as much as the international arena, the international Association Reset-Dialogues on Civilizations has turned the spotlight on Libya with a meeting that was held in Tunis on September 30, 2016. The purpose of the meeting was to analyse Libya's scenario of persistent crisis, characterized by a lack of state authority that controls the territory and assures the security of its citizens and the formation of an interim government at the beginning of 2016, the so-called Government of National Accord (GNA).

Despite the establishment of a Government of National Accord, the country appears not only still far from being stabilized, but the Libyan chaos has protracted all over the last year and a half, dragging various consequences for the whole North African and Mediterranean region. A series of causes lay at the basis of such a deep and prolonged crisis.

The first amongst these concerns might be defined as a "multiple identity". The Libyan nation state is indeed a modern construction, the result of the shift from Ottoman rule to the Italian colonial period. Both King Idris al-Senussi and Colonel

Muammar Gaddafi have been much aware of such a weakness. The same King Idris, when offered the Crown in the 40s, was concerned about the acceptance by the population of his leadership, fearing that his provenience from Senussia would have been disregarded by other local communities. Gaddafi, on his side, sometimes artificially, tried to build a new narrative of the Libyan identity by leveraging anti-colonial and anti-imperialistic feelings, desperately looking for an external enemy to fight. Alongside national identities, at least two other kind of identities are to be highlighted; one is related to regionalisms, and another is related to localisms and tribal society. For instance, regionalism has emerged during the civil war that erupted in 2011. This can be described, at least partially, as a revolt of Cyrenaica against Tripolitania. It exists indeed an historical rivalry among the three Libyan regions (Cyrenaica, Tripolitania and Fezzan), which once represented autonomous administrations under the Ottoman Empire. On the other hand, tribalism has undergone a new revival. Tribes and localisms have indeed filled the vacuum of power, which was left by the collapse of the state, thus going back to assuming their historical role of social mediation, while sometimes contributing to lightening up rivalries also by a military point of view.

The second cause for the endless Libyan crisis may be identified in the political attitude itself of Gaddafi's regime and its deep *rentier* nature. It is indeed *rentierism* that has allowed Gaddafi to stay in rule for over 40 years, surrounded by a weak institutional apparatus. The role Gaddafi assumed of supplier of income within the country allowed him to adopt a "*personalistic*" management of the country. For instance, he consciously avoided to build institutions that would have represented an alternative pole of attraction to his personal holding of power. Later on, and differently from the cases of Tunisia and Egypt, the outburst of Gaddafi has engendered not only a change in leadership, but also the flanking of the weak Libyan state.

Finally, it must be added that, in the post-Gaddafi period, a growing competition between regional and international actors arose. Foreign players, indeed, have repeatedly supported one Libyan contender or another according to their own interests. Accordingly, the conditions on the ground in Libya came to mirror the divisions at the international and regional level. The rivalry between domestic factions and their international supporters reached its climax in the summer of 2014 when the country was de facto split into two parts, one in Tobruk in the east under the control of General Khalifa Haftar and the newly elected House of Representatives (HoR), and one in the west led by Islamist leaning militia leaders and those in the city of Misrata.

All these elements contribute to compose the puzzle of the current Libyan chaos, shedding light on the deep reasons why the country is undergoing such a crisis. However, it is not possible to understand contemporary and current dynamics on-going in Libya without investigating its history and many socio-ethnic dynamics. To this purpose, in the first part of the present volume the authors investigate the birth of Libya as a political identity, moving from the establishment and consolidation of the Ottoman Empire at the middle of the sixteenth century to the colonial legacy of Libya, with the problematic developments in the period following independence. The second part analyses those cultural and socio-political forms of organization, cooperation and collective action that are referred to as "localisms" or "tribes". In particular, the contributions of the authors focus on the historical tendency of tribal communities to perceive themselves as distinct from the broader societies they live in and their strive for political autonomy, and the consequences of this attitude in contemporary Libya. Finally, the third part of the present volume tackles more current and urgent dynamics by addressing a number of events – from the increasing intervention of foreign players to the territorial losses of the Islamic State – that seem today to be driving Libya to a new evolution of the crisis.

Part I

The Birth of Libya as Nation

Chapter I

The Post-Almohadian Man and the Construction of Modern Libya

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This short paper is meant to be an introduction intended to wonder whether Libya ever existed or is a modern invention¹. Broadly speaking, the answer can be found in the following clear-cut sentence of Jamil Abu'n-Nasr: “The area forming present-day Libya begins to have its own political identity after the Arab conquest only with the establishment of Ottoman rule in it at the middle of the sixteenth century. Between the seventh and the fifteenth century it was a passageway for conquerors, merchants and pilgrims, but little besides that”². That being said, this obscure landscape can be enlightened in some ways.

The Pharaonic history of ancient Egyptians tells us that in classical times, the *Libu* were a savage population that often invaded the fertile Nile valley. Originally, they were connected with the so-called *Peoples of the Sea*, the mysterious populations that upset the Mediterranean world just before the collapse of the Bronze Age. The 22nd Dynasty of Egypt was a dynasty of “Libyan” kings, among whom Shesonq I (or Sisach or Shisak in Biblical terms, *Kings I, 14, 25*) reigned ca. 945-924 – roughly shortly after the fabulous time of Solomon –, campaigned in Palestine and pillaged Jerusalem³.

¹ This last draft of the paper benefited from the discussions and observations of the panelists. I thank them all collectively.

² J. Abu'n-Nasr, *History of the Maghrib in the Islamic Period*, Cambridge University Press, Cambridge UK 1987, p. 187.

In the *Odyssey* – most likely composed in the 9th century – Libya is directly quoted by its name in IV.85 during Ulysses' circumnavigation of the Mediterranean. The famous episode of the lotus-eaters (Λωτοφάγοι, IX.83-105) and their fantastic world, in ancient times already, was normally located in present-day Libya⁴. Much later, in the Hellenistic and Roman periods “Libya” hosted flourishing cities like Cyrene, giving name to Cyrenaica, but it was a “Hellenistic-Roman” civilization without any specific or separate (African or otherwise) identity consciousness.

This consciousness should have emerged with the spreading of Islam and Muslim political organization; but this did not happen. Muslim Arabs conquered Egypt in 642 and, soon after, their armies moved westwards, reaching present day Morocco. During this expansion, the territory we presently referred to as was subdued by the new conquerors. It is important to stress that while the pristine populations of the Maghreb quickly embraced Islam, they often embraced a heterodox Islam. Actually, Kharijism (a form of deviant, egalitarian and militant Islam grounded upon the idea that sinners must be expelled from the Community and even killed, while the *imam* must be the “best” amongst believers, even a slave if necessary) took roots everywhere in the Maghreb and in “Libya” too. Most likely, embracing Kharijism was, for the Maghribi populations, a way to accept Islam while at the same time marking their “ethnic” specificity. It is no accident that Kharijism spread mainly among the Berbers, in opposition to the Arab identity. A Kharijite-Ibadite imamate was founded in Tripolitania in the second half of the 8th century (Christian era),

³ Cfr. I. Shaw, *The Oxford History of Ancient Egypt*, Oxford University Press, Oxford-New York, 2000, spec. pp. 328-329 and bibliography p. 465.

⁴ See *Odissea*, eds. V. Di Benedetto and P. Fabrini, Bur Rizzoli, Milano, 2010, p. 505 and notes.

although it survived mostly in the sphere of the more powerful emirate of Tunis. Later, the Rustamid state of Tahert, another Ibadite-Berber state centered in Algeria, exercised influence in Tripolitania and on the shores of the Mediterranean Sea, reaching as far as Sirte. The major dynasties of Aghlabids (9th century), Fatimids and Zirids (10th century) dominated most of North Africa, including the peripheral and poor “Libya”, for hundreds years. However, Tripolitania gravitated around the political orbit of Western (Tunisian, Algerian) more than Eastern (Egyptian) Muslim rulers, also because the desert land between Tripoli and Egypt contributed to sharply divide the two parts of North Africa and also to isolate a substantial part of “Libya” (Cyrenaica firstly).

Finally, in the 12th and 13th centuries, Tripolitania was controlled by the powerful Almohad (Sunni) caliphate, and the region again suffered the same fate under the Hafids of Tunis. Considering its geographical position, it is obvious that Cyrenaica was controlled by the Mamluks of Egypt from the 13th century onward, until Ottomans' conquest.

Therefore, it is plainly clear that no “Libyan” entity existed for many centuries; moreover, the deep Berber identity of influent Maghribi tribes or confederation of tribes (such as the Masmuda, the Sanhaja etc.) is equally not meaningful in defining what “Libya” was and actually is. The great Tunisian historian and sociologist Ibn Khaldun (d. 1406) did underline the strong Berber character of the Maghreb but he had no awareness of a specific political or cultural region identifiable with a supposed “Libya”, neither under an ethnical perspective⁵. Rather, Ibn Khaldun's theory is important to this topic because of the

⁵ I. Khaldun, *Kitab al-'Ibar or Histoire des Berbères et des dynasties musulmanes de l'Afrique septentrionale*, trans. by Baron De Slane, Geuthner, Paris 1982; *Muqaddimah*, translated by F. Rosenthal, abridged by N. Dawood, Routledge and Kegan Paul, London 1978. See G. Turrone, *Il mondo della storia secondo Ibn Khaldun*, Jouvence, Roma 2002.

concept of *'asabiyya* (“group feeling”) and the study of the relation between Bedouin (*'umran badawi*) and urban (*'umran badari*) civilizations. Briefly, the “group feeling”, or *'asabiyya*, is particularly strong in the *badawi* civilization, while its strength loosens up in the *badari* civilization. Blood ties are the main pivot of primitive Bedouin society, but *'asabiyya* can be obtained indirectly through the artificial links of sworn alliance and clientage. These three factors together have the effect of instilling new force into the tribal framework, thus strengthening the inner ties of cooperation. Through group feeling the original rural regime of life creates the state and transform itself into the more advanced and complex urban civilization. However, tough a more sophisticated one, such civilization slowly decays and, in due time, dies. Hence, a continuous dialectic between centripetal and centrifugal forces, Bedouin and urban, tribal and concentric societies is always operating, producing rivalries and strife. Actually, Libya suffered and still suffers from this kind of dialectics, and Ibn Khaldun’s theory represents a useful lens through which to view it, as tribalism and blood ties and alliances shaped and were shaping the Libyan society until Mu‘ammar Gheddafi’s time and beyond.

The religious dialectics are worth being stressed anew. After Kharijism, in the Islamic Maghreb during the Almoravid and Almohads empires (11th to 13th centuries) a harsh conflict arose between traditionalist and legalist Malikism, on the one hand, and popular mystical religious beliefs and elitist rational philosophy, on the other. It is important to focus briefly on the Almohads. The Almohads were a Messianic movement that ruled a great part of Maghreb and Andalusia consciously aiming at establishing a “universal” caliphate. They promoted a reformist policy grounded upon a “rationalistic” approach to the Qur’an and the prophetic *sunna*, emphasizing God’s Unity and Oneness (*tawhid*) and the indoctrination of the masses⁶. This rational and reformist trend put the Almohads in conflict

with the juridical establishment of the Maghribi Malikite *'ulemas*⁶. The Almohads gained the strong support of the famous *qadi* and Aristotelian philosopher Ibn Rushd/Averroes (d. 1196), who formulated a theory useful for his masters’ struggle against the Malikite *'ulemas*. Averroes supported the Almohad religious project of marginalizing the Malikite-Asharite theology in favor of a more rationalistic approach to religion with wide resort to philosophy⁷. The Almohad project failed because, after Averroes and the death of the two caliphs he served (Abu Ya‘qub Yusuf and al-Mansur, 1163-99), the dynasty quickly declined and was eventually overcome by the Christian *reconquista*. However, the Almohads remain the last dynasty of classical Islam to have nurtured a far-sighted vision of religious and political renewal (*tajdid*).

A few centuries later, it is under the Ottoman occupation of North Africa that a first embryo of a Libyan principality was born, as Abun’n-Nasr argued. As we have seen, originally our “Libyan” territory gravitated under the more powerful orbit of foreign dynasties. The Ottomans succeeded in unifying under their dominion all North Africa except Morocco. It is well-known that Ottoman political structure was weakly centralized; peripheral territories were largely autonomous but did not demonstrate the main characteristics of the modern state: boundaries, administration and bureaucracy, unity of culture and language. Ottoman provinces were a-centric political unities. If this worked for Tunis and Algiers, it did even more so for “Libya”. As the *beylicates* of Tunis and Algiers were

⁶ See recently M. Fierro, *The Almohad Revolution*, Variorum, Ashgate, 2012 and A. Fromherz, *The Almohads: the Rise of an Islamic Empire*, I.B. Tauris, London, 2010.

⁷ See M. Geoffroy, “L’Almohadisme Théologique d’Averroes”, *Archives d’Histoire Doctrinale et Littéraire du Moyen Age*, 56 (1999), pp. 9-47. Averroes, *The Decisive Treatise on the Connection of Islamic Religious Law and Philosophy*, ed. M. Campanini, Gorgiaspress, Piscataway 2017, Original Italian edition *Il Trattato Decisivo sulla connessione della religione con la Filosofia*, BUR Rizzoli, Milano, 2015.

nominally subservient to Istanbul but substantially independent, under the semi-autonomous Qaramanli dynasty in the 18th century a part of Libya at least emerged as a self-governing “state”. The Qaramanli dynasty ruled from 1711 to 1835 first in Tripolitania and then, at the peak of its power, influenced the affairs of Cyrenaica and Fezzan. However, the authority of Qaramanlis and principality remained always far less important than the beylicates of Tunis and Algiers, as previously happened with the Rustamids and the Aghlabids. Moreover, it did not realize a real unification among the three not homogeneous components of the so-called “Libya”, Tripolitania, Cyrenaica and Fezzan.

During the late Ottoman presence in the Nineteenth century, Sufism or *tasawwuf*, the Islamic mysticism, flourished in “Libya”. The Maghreb has always been a cradle of saints and *marabouts* and the “Libyan” Sanusiyya order (*tariqa*) was not in itself a novelty. The brotherhood’s founder, Muhammad Ibn ‘Ali al-Sanusi (d. 1859), was Algerian by birth but settled in Cyrenaica, from there spreading his message into North Africa⁸. Therefore, Sanusiyya must be considered “Libyan”, in a sense. Its consolidation and expansion was based on a network of *zawiyas* (convents) covering, from the oasis of Jaghbug, a wide territory comprising not only Cyrenaica and the Libyan desert, but also the Southern fringes of the Sahara and even the Eastern borders of the Egyptian desert. At one time, this network seemed to foreshadow a sort of “union” of otherwise fragmented territories and populations in a homogeneous religious-political organism, but indeed without showing the necessary centripetal attraction and military prowess. Millenarianism and Mahdism were characteristic of the first

⁸ K. Vikør, *Sufi and Scholar. Mubammad Ibn Ali al-Sanusi and his Brotherhood*, Hurst, London, 1995.

Sanusiyya, as of all African Islam in the Nineteenth Century (it would be enough to think of the Sudanese Mahdi Muhammad Ahmad). However, at least in B.G. Martin’s opinion, millenarianism, Mahdism and proselytism were not sufficient in “Libya” to successfully contrast the aggressive encroachment of colonialism (especially French colonialism, and later Italian), because Sanusiyya was too “religious” for being militarily efficient⁹.

While the Ottoman Empire slowly weakened in the Nineteenth century, European imperialism subdued all Maghreb under its grip: Algeria (1830), Tunisia (1881) and Morocco (1911) became French departments or protectorates; Egypt became an English protectorate in 1882; and “Libya”, not without difficulties, was conquered by the Italians (from 1912 onward). Two prominent Maghribi intellectuals emerge in the discourse on why the Arab-Islamic world decayed in modern times and was almost entirely subjected to colonialism: the Moroccan Abdallah Laroui and the Algerian Malek Bennabi, whose reflection is worth considering in the present analysis.

Abdallah Laroui was mainly a historian; his famous *L’Histoire du Maghreb, un Essai de Synthèse* has a militant character. It is not a book in the footsteps of the today so widespread “subaltern” studies, but it denounces very harshly the distortions and the falsifications that “colonialist” historiography – *sourtout* French of course – made of Maghribi history since the Islamic conquest until modern times¹⁰. “Colonial” historiography claimed that Maghrebins were unable to become what they had to be: “Westernized” and “civilized” peoples. At odds with this cultural bias, Laroui emphasizes the “unity” of Maghribi history and the manifold endeavors

⁹ B. G. Martin, *Muslim Brotherhoods in 19th-Century Africa*, Cambridge University Press, Cambridge 1976.

¹⁰ A. Laroui, *L’Histoire du Maghreb. Un essai de synthèse*, Centre Culturel Arabe, Casablanca 1995.

of unification among the different states that took place since the Arab conquests until the Ottoman one through the prominence of caliphates like the Almohads and the Hafsiids. In this framework, it is meaningful that Laroui deals with “Libya” only marginally and cursorily: in practice, he never quotes Cyrenaica, but only Tripoli and Tripolitania; moreover, Tripoli is always quoted in relation to the true Maghribi political realities, Morocco and Tunis. Because of its irrelevance, “Libya” did not play a visible role.

The Algerian philosopher Malek Bennabi tried to find explanations to the Arab-Muslim decay after the splendor of classical times. After the Almohad period, which he considered as the extreme light of Islam, Bennabi contended that an irreversible down-fall affected the Arab Muslim peoples. Bennabi argued that the Arab post-Almohadian man was colonized because it was “colonizable”¹¹: that is, Arabs were not provided with the necessary strength and resources to resist the European imperialist assault. We have seen that the Almohad Empire was the last great Muslim caliphate. The Arab-Muslim man who survived to this extreme vestige of Islamic Majesty is the *post-Almohadian* man, the “colonizable” man who was colonized¹². Bennabi’s analysis appeared a bold one in the Forties and Fifties of the past century, when his book was published, but was vitiated by a too idealistic of an approach, grounded almost entirely upon conscience and cultural practice, upon “*le divorce entre la pensée et l’action*”, as Bennabi himself contended. The post-Almohadian man is a man who

¹¹ Here is quoted the French word, as the Oxford Advanced Dictionary does not have an entry with the same meaning: it does exist the term “colonization”, but not “colonizability”.

¹² M. Bennabi, *Vocation de l’Islam*, Seuil, Paris 1954. See M. Campanini, *Il pensiero islamico contemporaneo*, Il Mulino, Bologna 2016³.

has lost not only his identity, but most significantly the creative attitude to re-think the basis of his civilization and to produce a new framework of ideas.

Despite its “idealism”, Bennabi’s paradigm is heuristically useful. If we ask why the post-Almohadian man was “colonizable” in relation to Libya, we have to stress more political and social elements, previously suggesting a methodological key of interpretation.

In order to understand the “colonizabilité” of Libya, the concept of “configuration” could be put forward¹³. The issue at stake is to think of a historical fact from the perspective both of internal structural and conjunctural factors, and of external and equally structural and contextual factors. “Configuration”, however, moves a step further, because it argues that a historical occurrence depends not only on internal and external factors, but also on the strategies of individual actors. This suggestion could be applied to Libya and is generally valid insofar as the “colonizabilité” of Libya was actually the outcome of both conjunctural and contextual factors.

In a “short” period of historical perspective, decisive conjunctural factors are both the weakness of the Ottoman Empire, unable to assert its authority against the European imperialist ambitions, and the already stressed heterogeneity of the main parts of the region, Tripolitania and Cyrenaica (not to speak of Fezzan), which represented an insuperable impediment to factual integration.

From the contextual point of view, meaning the “long” period of historical perspective, Libyan territory followed the destiny of all North African territories. What we have discussed regarding the inexistence of a Libyan identity has been a

¹³ Moncef Djaziri discussed it in the Conference.

hindering factor in promoting the “collective perception” of a nation. Algeria as well struggled significantly before becoming a “unitary (nation) subject”; for a long time, an intellectual like Ferhat ‘Abbas in the Thirties and Forties considered “Algeria” as an empty concept without any historical foundation. Finally, the brutal repression by France of the autonomist movements compelled all patriots to realize that the only way out from slavery was war and to complete independence. Such an analogous catalyzing factor did not operate in Libya.

The young Italian scholar Simona Berhe argued recently that, after the occupation of Libya, Italian colonial policy, albeit oppressive and violent, was not able to hold in check «the strength of the colonized society’s river»: the conquerors cannot subdue the conquered indefinitely. For example, in Berhe’s opinion, the 1914-15 revolt against Italians encouraged and fastened the *state building* process, which was already ongoing since 1912 in the Jabal under Sulayman al-Baruni’s charismatic leadership¹⁴. Despite the coherence of Berhe’s argument, this process, while indeed factual, involved only Tripolitania, while Cyrenaica and Fezzan retained their previous isolation; therefore, one might say that it can hardly be considered as a “national” movement. Later, however, when Libya was declared independent under the Sanusi *imam* and King Idris (1951), the religious mark became a hampering obstacle on the national path towards progress and real political and economic autonomy. This time, Idris remained linked to Cyrenaica, and made very poor efforts to be identified as a “Libyan” leader recognized by all the components of his surreptitious kingdom, including Tripolitania. Mu‘ammar Gheddafi’s revolution (1969) was the unavoidable outcome of Sanusi’s conservatism and backwardness.

¹⁴ S. Berhe, *Notabili libici e funzionari italiani: l’amministrazione coloniale in Tripolitania* (1912-19), Rubbettino, Soveria Mannelli 2015.

The idea of nation-state was particularly unfeasible in the case of Libya. Broadly speaking, the idea of “nation-state” was and still is at odds with Islamic political and institutional traditions (mainly the caliphate, but tribalism too). Therefore, when it was imposed upon Muslim states by colonial subjugation, the nation-state idea resulted more a disrupting than a unifying factor¹⁵. Actually, if we consider the whole contemporary Middle Eastern history, we realize that many nation-states (Syria, Iraq, Yemen and Libya) were unable to become organic national countries with common interests and shared objectives. On the international plane, the United Arab Republic between Egypt and Syria (1958-61) and the impotence of the Arab League throughout its precarious existence (since 1945 to the present day) are equally telling. The heterogeneous Libya, destabilized by ongoing centrifugal contradictory tensions (much stronger than the centripetal ones), never became a “nation-state” and the myth of a “Libyan nation” reveals all its inconsistency. The situation was worsened by the fact that there exists no “singular” Libyan identity. While Morocco and Egypt, for instance, could vindicate a long-standing identity (Egypt has been a state with an “Egyptian” consciousness since thousands of years, since the Pharaonic times; Morocco remained independent from Ottoman Empire), this was not the case for Libya.

The same human, cultural and socio-political elements that made the post-Almohadian man “*colonizable*” in Morocco or Algeria existed in Libya as well. Hence, a second crucial point, which is worth to consider, has been the conflict with modernity and the difficulty to find crossroads in too much

¹⁵ See the monographic issue of “Oriente Moderno” 1/2017 devoted to “Arab Nationalism(s) in the Twentieth Century”, published in March 2017.

divergent paths. Religion, or better Sufism, is a case in point. Mysticism was and still is generally condemned by religious scholars like the Malikites, outstanding in all the Maghreb since the Arab conquest until today, and actually its syncretism and flawed theology are obstacles for the reception of modernity. Syncretism is a common feature of Sufism, and remained a long-standing attitude of African Islam¹⁶, in a way that weakened the original puritanical strength of Muhammad's religion. We have already hinted to Sanusiyya and its inadequacy. Even when the Sanusiyya *tariqa* had a fundamental role in Libyan history in the Twentieth Century, bravely opposing Italian imperialism and conducting a highly symbolical resistance under 'Omar al-Mukhtar's leadership¹⁷, acquiring decisive political character, the grip of imperialism was too tight to be solved in those circumstances.

Equipped with these premises, we are able to conclude emphasizing three points. The first involves tribalism and *'asabiyya*. The Khaldunian paradigm operated in "Libya" throughout centuries, provoking decentralization and acting as a powerful centrifugal factor hampering the cohesiveness of a potentially united Libya. Ibn Khaldun keenly argued that the urban de-tribalized elites in the Maghreb were not able to counter-balance the role of tribal aristocracy¹⁸. This argument is valid not only for the 14th century Maghreb but also for modern North Africa, at least until the end of the 19th century, and Libya is again a case in point. The first phases of the "Libyan revolution" against Mu'ammār Gheddāfi in 2011 were strongly marked by tribal factionality: without the NATO intervention, Gheddāfi

would have probably resisted much more because thanks to the support he gained from a number of tribes. After Gheddāfi's fall, local interests and identities – Tripolitania vs. Cyrenaica, for instance – surfaced again. It is important to remember that Bedouinism is far from being "Islamic": Islam has been all over its history an urban civilization. However, this urban development poorly succeeded in "Libya".

Another element to be stressed is that the Libyan culture on the verge of colonial occupation was on the whole pre-modern, somewhat "medieval". The prominence of Sufism (the Sanusiyya order above-quoted) and of tribal self-reference hampered the growth of a "modernism" like that of Tunisia (with Khayr al-Din and the first Arab constitutional experiment in 1862 - *دستورية*) or Egypt (with Muhammad 'Ali and his successors and the *Salafiyya* movement of al-Afghani and Muhammad 'Abduh). Actually, *nahda* and *islah* touched Libya only superficially, or did not touch her at all.

All in all, in order to answer the question at the very beginning of this article, Libya seems to be an entirely "invented" nation-state. "Libya" was created on paper, first by Italian colonialism and then by British-American (neo)colonialism in the Twentieth Century, sewing together three very dissimilar and probably irreducible regions: Tripolitania, Cyrenaica and Fezzan. It is not surprising that an invented state turned into a "failed state"¹⁹. To be precise, this negative outlook could be variously nuanced, but in any case, the "weight of history" – as Abdallah Laroui would have put it²⁰ – has been particularly heavy and conditioning in Libya. In presence of an invented or

¹⁶ A. Piga De Carolis, *L'Islam in Africa*, Bollati Boringhieri, Torino 2003.

¹⁷ G. Rochat, R. Rainero, E. Santarelli (a cura di), *Omar al-Mukhtar e la riconquista fascista della Libia*, Marzorati, Milano 1981

¹⁸ See Y. Lacoste, *Ibn Khaldoun. Naissance de l'Histoire, passé du tiers monde*, Maspero, Paris 1981, spec. pp. 172-174.

¹⁹ See D. Vandewalle, *A History of Modern Libya*, Cambridge University Press, Cambridge, 2012.

failed state, the issue of a democratic reconstruction of Libya after Mu‘ammar Ghaddafi’s regime’s fall sounds a secondary and scarcely relevant problem. The most urgent issue is state-building, but it is difficult to foresee how historical fragmentation could be definitely overcome by the emergence of a modern nation-state after the dissolution of Ghaddafi’s *jamahiriyya*.

Chapter II

Colonialism and The Modern State
in Libya: a Difficult Legacy
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When the Italian government led by Giovanni Giolitti decided, at the end of the summer of 1911, to organise a military operation that would have allowed the nation to take possession of a ‘fourth shore in the Mediterranean, the lands that would later form the Libyan colony¹ were not yet a homogenous ensemble from an administrative point of view. Divided into two distinct governorates (the *vilayet* of Tripoli to the west and, the *vilayet* of Barqa to the east, more commonly referred to today as Cyrenaica), these lands effectively controlled by the Ottoman government were restricted mainly to the coastal areas. Further inland, particularly deep into the Sahara, inhabitants were afforded a great deal of autonomy. This happened in Cyrenaica especially and applied to regions where, starting in the mid-19th century, the presence of the Senussi tribe (*tariqa al-sanusiyya*) had developed in more distant oases such as Kufra, where Ottoman control was purely nominal.² The Fezzan region, in Tripoli’s hinterland, administered by the governor of Tripoli, was run by a *mutasarrif* who was responsible only for the

¹ One must bear in mind that the use of the name Libya to describe all the former Ottoman territories between Tunisia and Egypt appeared officially for the first time in the decree issued on November 5th 1911, with which the Italian government proclaimed its sovereignty there.

² V. E. De Leone, *La colonizzazione dell’Africa del Nord*, t. II, part V, La Libya, Cedam, Padova 1960, p. 315.

presence of a few garrisons in the main oases of a region that was almost entirely uninhabited.

What remained of the vast Ottoman possessions in Mediterranean Africa, subjugated in the course of the 16th century, was the result of a progressive contraction of the empire's political and military control over an area that was particularly sought-after by the main European powers.

Starting in the summer of 1830, France had gradually taken its most western lands from the Sublime Porte, disembarking its troops not far from Algiers. Over a period of about twenty years, the entire coastal region of what is now Algeria had been placed under French rule that was later expanded to the hinterland. The occupation of Saharan lands had taken longer, but once the more internal oases were occupied in the early 20th century, the entire region now known as Algeria could be considered conquered. It is, however, best to remember that, as happened in Libya, in Algeria too Ottoman garrisons mainly controlled the northern regions with an infrequent presence in the more southern lands.

The second event involved Tunisia. Taking advantage of the very serious political and economic crises afflicting the Ottoman government (obliged to declare bankruptcy in the 1870s, as it was unable to repay the European financial powers to which it was indebted) and an identical crisis in the *beylik* of Tunis, French troops had started their occupation in 1881. Bey Sadok was obliged to sign the Bardo and Marsa Treaties acknowledging France's protectorate.

In 1882 it was Egypt's turn. Although significantly autonomous in its relations with Istanbul since Mehmet Ali had become governor in 1805, Egypt was a particularly important region for the Ottoman Empire, accompanying and often preceding it in attempts to implement administrative reforms that later turned out to be disastrous. In the context of the social and political unrest that arose from the 1870s financial crisis,

with the excuse of protecting European minorities threatened by uprisings, Great Britain had shelled Alexandria and landed its troops there. After a rapid advance pointlessly opposed by the Egyptians, Cairo was occupied and the country subjected to a veiled protectorate that other European powers had refused to recognize for a long time.

At the time, all the lands in Mediterranean Africa were under European control, with the exception of the *maghrib al-aqsa* (the extreme Maghreb, hence Morocco, which had never been Ottoman and had been governed by the Alawi dynasty since the 17th century) and the area between Tunisia and Egypt that is nowadays Libya.

In order to fulfil a long-frustrated Mediterranean ambition, at the beginning of the 20th century Italian governments prepared to conquer what remained of the Ottoman Empire in Africa through diplomatic channels, following in the footsteps of the purest traditions of European imperialist expansion on that continent.

Rapprochement with France, which following the occupation of Tunis had assumed the role of Italy's main rival in the Mediterranean area, took place in the early years of the 20th century.³ Their respective areas of influence in northern African territories not yet under European control were acknowledged. In exchange for recognition of French interests in Morocco, Italy obtained freedom of action in Tripoli. That same year (1902), Great Britain guaranteed its support for eventual Italian military intervention on the Libyan coasts in the event of the *status quo* in the Mediterranean being altered by external causes. Italy, on the other hand, guaranteed its support for the issues concerning the British protectorate in

³ A first rapprochement had taken place a few years earlier, in 1898, when the Italian government had recognised the French protectorate in exchange for respect for the rights of Italian citizens in Tunisia.

Egypt, which, as previously mentioned, had not been recognised. That same year, when renewing the agreement of the Triple Alliance, the Italian government obtained German and Austria-Hungarian disinterest as far as the Libyan issue was concerned, while in 1907 Russia had said it was in favour of an eventual occupation in exchange for Italy's support of its position in the Balkans where the Tsarist government feared Austrian ambitions⁴.

Negotiations with the Ottoman Empire were impossible. The Sublime Porte's divestment of its African territories would have been hard to obtain using the weapons of diplomacy.

When in 1911 political equilibrium in the Mediterranean was shattered by French intervention in Fez and the Spanish landing in al-'Araish (Larache) in Morocco, the Italian government issued an ultimatum and a few days later declared war on Istanbul. In the beginning of October 1911, Italian troops landed in a number of places along the Libyan coast (in Tripoli on October 5th) marking the beginning of a long and difficult conquest, which was finally achieved only early in 1932 when the country's pacification was proclaimed.

The armed conquest of what was to become the Libyan Colony went hand in hand with the delineation of the size of the country, which had been far from very specific during the Ottoman era and was completed only through diplomacy in the period between the two world wars. Bearing in mind that the region really controlled by the Ottoman administration was far smaller than the Libya we know nowadays, one can say that, from a territorial perspective, the country, like almost all Africa's nation-states, is a colonial creation. It is to this aspect of the colonial legacy that we will direct our attention to, in addition to problematic developments in the period following independence.

⁴ V. F. Cresti, M. Cricco, *Storia della Libia contemporanea*, Carocci, Rome, 2012, p. 53

At the time of Italian intervention and facing pressure from France and Great Britain, the Sublime Porte fought tooth and nail to try and defend what remained of its empire. From Algeria's Saharan regions to the recently occupied southernmost areas of Niger and Chad, France aspired to gain possession of most of Tripoli's hinterland, diverting residual trans-Saharan trade routes towards its domains in the Maghreb. Great Britain had encouraged Egyptian expansion along the Mediterranean coast, progressively establishing garrisons all the way to al-Sallum, far beyond the borders of the viceroyalty that Istanbul acknowledged as that of the heirs of Mehmet Ali. Based on agreements with France following the Fashoda Incident (1898), while ignoring the administrative subdivisions within the Ottoman provinces, Great Britain considered its right to (or rather as responsibility for areas it 'protected' – hence Egypt and its southern province of Sudan) an enormous part of the Libyan Desert that also included the entire region of Kufra. In practice more than half of the territory of the future Italian colony of Cyrenaica.

At a diplomatic level, in 1881⁵ the Ottoman government had already laid claim to an immensely vast area between the coast of the Mediterranean and Central Africa, informing European powers about this. Istanbul stated that starting from a point in a cove in the Gulf of Gabès, on the Mediterranean, the borders of the Sublime Porte's territories to the south included the most southern part of what is today Tunisia and the entire Sahara in Tripoli's hinterland; the Fezzan, with the oases of Ghat (occupied in 1875) and Jannat, the Tibesti (declared a protectorate in 1859), the Kawar, Bornu and the regions surrounding Lake Chad. South of the borders of today's Libya, this in fact consisted of the entire Chad basin

⁵ V. A. Martel, *La Libye 1835-1990*, PUF, Paris 1991, p. 61.

and, beyond, the lands of the Kanem, Bornu, Baghirmi and the Wadai. To the east, Istanbul included in among its territories the entire *cazà* (province) of Kufra with most of the Libyan Desert and placed its border on the Mediterranean about midway between al-Sallum and Alexandria⁶.

The government in Rome considered this progressive French push from Tunisia and Algeria towards Tripolitania above all as a danger to its interests and to the Mediterranean's political equilibrium. In 1890, Italy had notified European chancelleries that it supported the idea that the Ottoman government's borders were in Tripoli's hinterland.⁷ At that time Italy's right to intervene in this issue appeared totally theoretical, but as perceptively observed by a French scholar, in the stalemate that emerged on the Mediterranean chessboard following the Tunis crisis, Rome's government could only play the role of the proverbial dog in the manger.⁸ It appeared, however, that on this occasion Italian diplomacy was fighting a rear-guard battle it would find extremely difficult to win, because ever since the Berlin Conference (1884-85) theories concerning the effectively occupied hinterland had become predominant for the delimitation of African domains in the 'Scramble for Africa'.⁹

Without a real presence in many of the more southern territories it claimed, the Sublime Porte's statements concerning its area of sovereignty did not have great importance compared to the power exercised by France and Great Britain. At a time when Italian colonial policy was experiencing a very serious crisis caused by the Adwa defeat (1896), it was these two powers that opposed one another in their imperial ambitions.

⁶ W. B. K. Shaw, *International Boundaries of Libya*, in "The Geographical Journal", vol. 85, n. 1 (Jan. 1935), pp. 37-41, in particular the map between pages 50-51.

⁷ V. D. J. Grange, *L'Italie et la Méditerranée* (1896-1911), 2 vol., École française de Rome, Rome 1994, vol. II, p. 1353.

⁸ *Ibid.*

⁹ V. A. Martel, cit., p. 60.

In Fashoda, on the Sudanese White Nile, they had risked an armed clash (autumn 1898) and a few months later, with a joint statement issued on March 21st, 1899, they had diplomatically resolved their controversy in central Africa by defining their areas of influence.

The border traced on that occasion to divide the basins of the Chad and the Upper Nile fell fully within the territories claimed by the Ottoman Empire, mostly removing them from its control. The region to the north and to the east of Lake Chad (with the Wadai Kingdom) was recognized as belonging to the French area of influence, "north-eastern boundary line ... departing from the intersection point of the Tropic of Cancer with the 10th degree of longitude east of Greenwich (13°40' of Paris) running south-east to the meeting point with the 24th degree of longitude east of Greenwich (21°40' of Paris)"¹⁰; Darfur came under the British sphere of influence although a lack of geographical knowledge made the drawing of a real border line difficult and this was defined in later agreements.¹¹

To the extent that only Fezzan was acknowledged as part of Tripoli's hinterland in the 1899 agreement, and thus under Ottoman control, Great Britain considered the entire region north of that line, including most of the *vilayet* of Barqa, with the Jaghbùb and Siua oases, and all the desert territory of the Kufra oases as part of its area of influence. Effectively, according to a map drafted by the British Intelligence Division in 1902, beginning from the most western point of the 1899 line, the

¹⁰ The delimitation is contained in the *Déclaration complémentaire à la convention du 14 juin 1898* (cf. *ivi*, p. 63), which established the eastern border of the French sphere of influence at the 24th longitude east of Greenwich, which became part of the border of Egyptian Sudan.

¹¹ The issue was made complicated also by the lack of a map attached to this agreement (v. G. Joffé, *Frontiers in North Africa*, in G.H. Blake, R.N. Schofield (eds.), *Boundaries and state territory in the Middle East and North Africa*, MENAS Press, Edgware 1987 (revised version used by permission of the author, 2002, s.p.).

border of the British sphere of influence ran in a straight line to the coast of the Mediterranean at al-Sallum, including within it, on the Egyptian side, an enormous section of the Libyan Desert. As previously stated, almost the whole of Cyrenaica south of Marmarica on this map became part of Egypt¹².

While the Sublime Porte protested these Franco-British agreements, stating that they violated its sovereignty, it was not capable of effectively opposing them.¹³ The Italian government had supported the Ottoman positions and debated with Great Britain the issue of the border with Egypt. In 1906, within the framework of Italian-British diplomatic agreements, the Kufra oasis and its territory had been acknowledged as part of the Ottoman *vilayet* of Barqa, while 'Perfidious Albion' had excluded Jaghbub and Siwa.¹⁴

In reality, at the time of Italy's intervention, only a very small part of Libya's borders were precisely marked; the one between the territories of the French protectorate in Tunisia and the Ottoman *vilayet* of Tripoli, measuring about four hundred kilometres from the coast of the Mediterranean at Ghadamès, which is still now the border between Tunisia and Libya.¹⁵

Following the Treaty of Lausanne (October 18th, 1912), which recognised Italy's victory in the first Italian-Turkish War,

¹² Cfr. Grange, cit., *ibidem*; Cresti-Cricco, cit., p. 55.

¹³ In the years that followed Istanbul tried to consolidate its positions in the fought over areas, for example establishing a garrison in Bardai and creating a *cazà* del Tibesti in 1907, or sending a *kaimakam* to Kufra in 1909.

¹⁴ G. Mondaini, *Manuale di storia e legislazione coloniale del Regno d'Italia*, 2 vol., Sampaolesi, Rome 1927, p. 407. The reason for this exclusion seems evident to me; by stating that Jaghbub, in the hinterland of al-Sallum and Tubruq, two natural ports that were particularly desirable on the coasts of Marmarica, belonged to its protectorate, Great Britain moved a pawn to assert Egypt's right (hence its own) to control them, in a sort of back to front theory of the hinterland.

¹⁵ The border had been materially established by 233 boundary stones from Ras al-Ajdîr on the Mediterranean to Gara al-Hamal, 13 kilometres south west of Ghadamis, from November 1910 to February 1911 (v. Martel, cit., p. 68).

the Italian government inherited Ottoman territories; the uncertainty of the borders of these territories was part of this legacy.

It is within this framework that one must analyse some of the first military operations aimed at controlling the Libyan Sahara, such as the adventurous expedition undertaken by the Miani column, which, in March 1914, occupied Ghat, one of the Fezzan's south-western oases. One of the main reasons for this expedition, which ended a few months later in a hasty retreat, was the need to assert Italy's presence in the region south of Ghadames, threatened by French pressure¹⁶ in an area not yet precisely defined.

When the First World War broke out, the issue concerning Libya's borders remained suspended, and it was only after 1918 that negotiations with the governments of neighbouring territories were resumed; with France over western borders south of Tunisia, with Niger and Chad and Great Britain over the eastern borders and with Egypt and Sudan.

Establishing the conditions for its participation in the First World War as an ally of the powers of the Entente, in the Treaty of London dated April 26th, 1915¹⁷, the Italian government obtained a promise of territorial compensation in Africa. Starting with the very first post-war diplomatic conferences, the extension of the Libyan territory was claimed on this basis.

A first positive result was obtained in Paris on September 12th, 1919, with the definition of the western border and part of

¹⁶ On November 27th, 1911, a French unit had entered Jannat (Djanet), about 100 kilometres west of Ghat, which the Italian government thought would be the next French objective. Between 1911 and 1913 France had occupied the entire region of Chad acknowledged as being within its sphere of influence according to the 1899 agreement with Great Britain. After the Italian retreat, French military commanders had planned the occupation of Ghat, advancing all the way to the oasis of Barakat, eight kilometres to the south, and withdrawing following Italian protests (Mondaini, cit., p. 405; Martel, cit., p. 98).

¹⁷ This agreement was secret and revealed by the Bolshevik government in 1917.

the southern border between Ghadames and the Tummo range (a mountainous area north-east of the Tibesti range), measuring about 1,100 kilometres. Also in September an agreement with Great Britain established the eastern border; al-Sallum remained the property of Egypt as did the Siwa oasis, while Jaghub remained in Libyan territory. With the exception of a slightly curved part between the coast and Jaghub, the border ran in a perfectly straight line along the 25th meridian for about 1,400 kilometres in a totally desert region.

The process involving the ratification of the two agreements lasted a number of years. It was only at the end of 1923 that the French government officially approved the borders drawn. The issue concerning the eastern border lasted even longer. In fact, in February 1922, while the Italian and British governments were still discussing the implementation of the Treaty of London, Egypt obtained its independence. Negotiations about the border were resumed, this time between the Italian and the Egyptian governments, and, at the end of 1925, the decisions made in 1919 were confirmed.¹⁸

Following the agreement with Egypt, the eastern border's most southern part was to be completed to the south-east of the Kufra oasis, where a number of water holes were in dispute. An agreement was reached in 1934 establishing the border with Sudan, extending the border with Egypt along the 24th meridian. Libya was assigned the western part of the *jabal* Uweinât (Auenât) and the area surrounding the wells in Maaten al-Sarra.

The southern borders with French territories in Chad and Niger, where Italy still claimed the right of succession over the ancient dominions of the Ottoman state, were still contended. Negotiations turned out to be extremely difficult due to France's refusal to make any concessions. The Italian government con-

¹⁸ Italian troops occupied Jaghub in 1926 and Kufra in 1931. The Egyptian government ratified the agreement in 1932 (Martel, cit., p. 104)

sidered this position a betrayal of the Treaty of London; the myth of a 'mutilated victory' supported claims at a diplomatic level, while when the Fascist regime came to power, the Great Proletariat's right to new and greater conquests was asserted.¹⁹

In the second half of the 1920s, while control over the Libyan territory was being completed, the Italian government continued to press France, claiming the right to territories in the Nigerian and Chadian region that had belonged to the Ottoman Empire. The 1899 French-British partition line was rejected, stating that all Saharan territories north of the 18th parallel, starting with the border with Sudan and all the way to the 10th meridian west of Greenwich, should be attributed to Libya.²⁰ This request was not accepted, but in the years that followed, faced with the deteriorating international situation in Europe and in an attempt to avoid an alliance between Italy and Nazi Germany, the French government decided to negotiate the transfer of a part of Chadian territory north of the Tibesti. Within the framework of the Mussolini-Laval agreements, signed on January 7th, 1935, an area measuring 114,000 square kilometres north of the Tibesti range was handed over to the Italian colony, including the oasis of Aozou, hence the name the Aozou Strip. This was about a two hundred kilometre

¹⁹ V. C. Giglio, *L'Europa, l'Italia e l'Africa, in Africa. Espansionismo fascista e revisionismo*, in which Italy's right to "reach the Atlantic [...] along the line that goes from Sirtica to the Gulf of Guinea" is expressed (cit. in Del Boca 247).

²⁰ Italy's request was announced to the French government on June 29th, 1929. Along the 18th parallel there was the main oasis of Borku, and in it also Ain Galakka, where the Ottoman flag was flown in 1910. Ottoman contingents had for more or less long periods occupied other advanced points around the same parallel, such as Bilma, which France had annexed to Niger in 1902. The Italian government thereby also claimed the entire area of the ephemeral Ottoman *cazâ* of the Tibesti, which in 1907 had been rebuilt and had its administrative centre in Bardai, about 100 kilometres south of the Aozou springs. Almost at the same distance the 10th meridian passes between Ghat and Djanet. The French government had previously stated that it was ready to cede part of the border territory between Niger and Libya (the Ezzane-Toummo-Djado triangle) (Joffé, cit., s.p.).

move to the south of the 1899 demarcation lines; the new border ran from the Tummo mountains to the border with Sudan, parallel to the previous one. Parliaments in Rome and Paris ratified the agreement, but the ratification instruments were never sent to Paris by the Fascist government. The evolution of the situation in Europe and the victorious campaign in Ethiopia had equipped the Duce's imperial ambitions with a new impetus, so much so that by the end of 1935 the agreement signed with France less than a year earlier was already considered historically outdated.²¹

Regardless of the Fascist government's expansionist ambitions, a few years before the outbreak of the Second World War, Libya's territory was defined as being within the borders guaranteed by international law. These borders delimited an enormous country, almost six times larger than Italy. Subdivided from the very beginning of Italian occupation into separate territories (the Tripolitanian Colony to the north-west, the Cyrenaica Colony to the north-east and Saharan territories under military administration), during the Thirties Libya had experienced a historically important process of political-administrative unification. For the first time the unity of all its territories was asserted.

The unification process had been gradual. It started in 1929, when the same governor (Pietro Badoglio) was appointed as the head of both Tripolitania and Cyrenaica. In 1934 a decree unified Tripolitania and Cyrenaica, creating the Colony of Libya. Italo Balbo, a *quadrumviro* in the March on Rome, was appointed Governor General. Finally, in 1937, a new political-administrative system unified all of Libya under one governor-general.

The period of unity did not last very long. In the course of World War II Libya was divided between three different military administrations. Two belonged to Great Britain, in

²¹ V. P. Milza, *Mussolini*, Carocci, Rome 2000, p. 766.

Tripolitania and in Cyrenaica, and one to France, whose troops had occupied the southern Sahara and all the Fezzan during the war. The colonial legacy of unification was once again called into question after the end of the war by some of the main political groups that had expressed their desire for power. The Senussi, led by Muhammad Idris, who during the war had fully sided with Great Britain, announced their approval of separate independence for Cyrenaica on June 1st, 1949.

At the time, only a few political groups in Tripolitania, progressives and those close to pan-Arabic ideals, fought for the assertion of a united nation that included all colonial territory. Their efforts were opposed not only by the more traditionalist and archaic forces in Cyrenaica supported by Great Britain, but also by France's neo-imperialist ambition, hoping to perpetuate its military control over the Fezzan and eventually add it to its colonial territories in central Africa. Post-war Italian governments had said they were in favour of the idea of a renewed separation of Libyan territories, trying to obtain approval at an international level for the agreement reached with Great Britain and France for a neo-colonial division of Libya (the Sforza-Bevin agreements). The legacy of unity of the Italian period seemed to break down, but the lack of approval of these agreements by the United Nations General Assembly paved the way for the formation of a newly united country. At a session held on October 21st, 1949, the UN's General Assembly voted a resolution on the formation of an independent state in Libya before the beginning of 1952.

The formation of this united country took time and on December 24th, 1951, the birth of a federal state was announced in Benghazi. According to the official wording, this was the birth of the United Kingdom of Libya, but the problems in asserting unity faced with centrifugal motivations of dominant political forces is evident even in the choice made for this "united kingdom" to have two capitals, Tripoli and Benghazi.

From a political-administrative point of view, the united form took shape twelve years later, in 1963, with a revised constitution and the abolition of the federal model. This was a victory for nationalist political groups that had always fought for the country's unification,²² but the reasons for this choice were above all dictated by the interests of a number of power groups linked to the royal dynasty. The idea was the “rationalisation” of the management of oil resources (in truth its concentration in a few hands, removing it from the federation's governments) became increasingly important since prospecting by Esso Standard had caused the oil, of which Libya would soon become one of the world's most important producers, to gush from oilfields in Bir Zelten (May 20th, 1959). Unification was also in the best interest of a second power group, that of the oil multinationals, which “wanted to simplify procedures and negotiate with just one interlocutor without the federal governments' intermediation so as to increase profits reducing the amounts to be distributed locally.”²³

The centralisation of state apparatuses in just a few hands was greatly reinforced in the period of the constitution of the *jamabiriyya*, a few years after the coup d'état carried out by young army officers abolished the monarchy and instituted a republic on September 1st, 1969, with their revolution, or rather their coup. It is not possible to analyse here the institutional changes that followed Mu'ammār Gheddafi assuming de facto leadership, or the ideological principles on which plans for the new state were based as well as a new society founded on direct democracy and the abolition of the traditional apparatuses of a modern western styled state (*Green Book* and the proclamation of the state of the masses/*jamabiriyya*, March 2nd, 1977). I do however believe that it is possible to state that

²² V. Cresti-Cricco, cit., p. 173.

²³ *Ibidem*.

the hyper-centralisation of power and the management of the country's resources implemented during Gheddafi's forty-year rule, in a manner that was the complete opposite of those ideals of direct democracy, were among the reasons that led to the end of the Libyan state and were at the origin of the new regional separatist movements often seen after the 2011 civil war and Gheddafi's assassination.

As far as the aspects we are interested are concerned with, it is sufficient to bear in mind how the injustice in the distribution of oil resources in favour of western Libya and to the detriment of eastern Libya appeared as one of the catalysing elements in protest uprisings in Benghazi (February 2011), which resulted in other later epiphenomena such as the proclamation (theoretical and ineffective) of a separate Cyrenaic state. Finally, press reports and the media debate on Libya's future now and again foster the idea of a dismemberment of the united country and the formation of separate political entities, a notion that seems to be supported by authoritative representatives of the international world of finance, such as the vice president of the Rothschild Bank in an interview with the press in March 2016.²⁴

The legacy of colonial borders turned out to be a problem for independent Libya's later regimes as well as for the country's unity. This has above all concerned the border with Chad, but in recent years, following the end of the *jamabiriyya*, has also involved other sectors.

In the very first years of independence, governments in Tripoli had already expressed their intention to not recognise as the country's southern border the one drawn following the Mussolini-Laval agreement. In 1954 Libyan royalist troops tried

²⁴ Interview with Paolo Scaroni in http://www.corriere.it/esteri/16_marzo_31/Libya-unita-sogno-impossibile-l-italia-punti-tripolitania-2c63020c-f6b6-11e5-b728-3bdfea23c73f.shtml

to occupy Aozou, but were obliged to withdraw when faced with the deployment of French troops. During the following year an agreement between the two countries, completed by an exchange of memorandums in 1956, led to the final cession of all territories in the Fezzan occupied by France during World War II and that had temporarily remained under military administration. There is no mention of the Aozou Strip in the agreement.

At a time when Chad had also become independent, the Libyan government did not stop laying claim to part of its territory on the basis of colonial agreements after power was seized by the group of Free Officers led by Muammar Gheddafi.

Chad's government, which in those years was experiencing a civil war and a battle for power among rival groups, considered this demand a serious provocation. In October 1971, during a United Nations assembly, Chad requested condemnation of Libya's expansionist ambitions.²⁵ The following year, there was a rapprochement between the two countries and a Treaty of Friendship was signed (December 1972). A few years later, Gheddafi publicly declared that in the course of the negotiations, Chad's President Tombalbaye had agreed to cede the Aozou Strip. In reality, a few months later the region was occupied and a Libyan administration was established there. It was a de facto annexation. The inhabitants of the region were given Libyan nationality and since then all maps published in Libya marked the border line as the one recognised by the Mussolini-Laval agreement.

For over a decade Libyan armed forces continued to occupy the Strip, intervening significantly in the dramatic events of Chad's civil war from their bases, providing support to one or other groups involved. During this period, Libya did not restrict itself only to occupying the Aozou Strip, but also asserted its

²⁵ V. M. J. Azevedo, *Roots of Violence: A History of War in Chad*, Routledge, London-New-York 1998, p. 63.

presence south of the Tibesti range, establishing armed garrisons in northern and central Chad. In 1981 an agreement reached between the two governments to prepare the union of these two countries was made public. This agreement was never implemented due both to the evolution of the internal situation and opposition expressed by part of the international community.

Events in Chad, characterised by military coup d'états, the overturning of alliances between rival groups and armed clashes, intervention by the Organisation of African Unity's peace-keeping forces, but also the direct involvement of French armed forces against Libyan troops, reached a turning point in 1987, when the opposing factions reached a national unity agreement, the main objective of which was to free the country of foreign presences. Led by Hissène Habré, Chadians launched a series of lightning attacks on Libyan garrisons, obliging them to initially withdraw their troops from territories south of the Aozou Strip.

The Chadians' victorious attacks were the result of the use of a weapon that was particularly well-suited to the desert battlefield; the Toyota off-road vehicles armed with anti-tank missiles after which the last stages of the war were named. After attacking Aozou, Habré's mobile troops organised an in-depth offensive with a surprise attack inside Libyan territory on the Maaten al-Sarra air base (September 5th, 1987). The operation was a resounding success inflicting serious damage on Libyan troops, destroying the base and capturing its command,²⁶ leading to the signing of an agreement to end all fighting just a few days later.

Bilateral talks were begun in order to resolve the territorial dispute, but no agreement was reached and a few years later both parties decided to refer the matter to the International Court of Justice in The Hague. A final judgement was issued on

²⁶ The high-ranking officers captured on that occasion also included Khalifa Haftar, who has recently reappeared on the Libyan stage.

February 3rd, 1994. Analysis of documentation presented by the two parties led the court's judges to decide that the Aozou Strip was an integral part of Chad. This ruling effectively derived from the observation that the 1955 French-Libyan Treaty implied that Libya should abandon all claims to the Aozou Strip, which were based on the earlier Mussolini-Laval agreement.²⁷

Accepting the verdict, the Libyan government withdrew its troops from the disputed area which returned to become part of Chad on May 30th that same year.

Events involving the conflict between Libya and Chad mark a crucial moment for understanding later developments in Libya's history. The military defeat was a serious blow for the Gheddafi regime. One must not forget Gheddafi's military origins and those of the group that resulted in the abolition of the monarchy and the republic's founding. The catastrophic ending of a conflict, of which Libya had been firstly the instigator and then the country responsible, proved that the military class in power was totally incompetent and ridiculed the army. Even worse, considering that thanks to Libya's extraordinarily significant financial resources arising from its oil wealth the *jamahiriyya's* armed forces were (in theory) equipped with impressively powerful weapons.²⁸ Furthermore, many young Libyans had died in this war, many had been captured and others were missing. The discontent of the families of the fallen was evident and strengthened the regime's opposition which had started to emerge in the Eighties and Nineties²⁹ also linked to other international events. The defeat in Chad marked the

²⁷ The judges in the The Hague almost unanimously agreed on the fact that "Libya, by accepting a treaty with France and an exchange of letters with Paris over treaty status in 1955 and 1956, had, as an independent state, also accepted the pre-1935 colonial boundaries of Libya and thus had no right to the Aozou Strip" (Joffé, cit., s.p.).

²⁸ Vandewalle 131

²⁹ "The persisting internal criticism of the war [...] had reached previously unknown levels inside the Jamahiriyya" (Vandewalle 194)

beginning of the decline of the *Jamahiriyya*, also humiliated and hit by American air raids (1986) and an international embargo.

Many hypotheses have been presented in an attempt to understand the origins of that war and to interpret its developments (a Cold War episode using African proxies, an expression of the *jamahiriyya's* African assertion policies added to an attempt to impose the *Green Book* principles on a neighbouring country and creating a client-state in the south under Libyan control, a first clumsy attempt to assert Libyan imperialism using financial means – as was to happen in other Sahel and Saharan African countries – but without disdaining military means?). One cannot, however, forget that Muammar Gheddafi himself, in a speech made in 1980, stated clearly that the main reason for military intervention in Chad was the territorial claim over the Aozou Strip based on the 1935 (colonial) agreement.³⁰

Paradoxically, with this statement Gheddafi presented himself as the executor of the Fascist colonial testament in Libya, or as someone who wanted to fulfil it, just as, paradoxically, Italy had assumed the role of the heir of territorial claims in the Libyan and Central African territories of an Ottoman Empire it had contributed to destroy. Furthermore, paradoxically Gheddafi had found that France opposed him (the main architect of Chad's victory in that war) just as had happened to Fascist Italy with its imperial claims.

Historical continuity or the past's poisoned legacy?

If one considers the events of this colonial border inherited from the colonial era from a southern perspective, that of Chad's Tebu speaking people³¹, it is obvious that the decision made by the court in The Hague consecrated a colonial border

³⁰ Joffé, cit., s.p.

³¹ The Tebu people are segmented into two large groups, inhabiting the northern regions of Lake Chad. The Teda Tebu live in Tibesti, a part of Bourkou and the surrounding regions; some groups are present in Fezzan.

agreed on by two colonial powers that had defined it simply on the basis of their own interests and without considering those of the “natives”, such as for example, the interest of the populations living on each side of the border. These were mainly the Tebu, a homogeneous ethnic-linguistic group living in the Fezzan’s southern territory and in Chad’s northern territories, inhabiting the oases and living off transhumance or nomadic cattle breeding on both sides of this border.

It is no surprise therefore to observe how during Libyan occupation of the Aozou Strip and northern and central Chad, part of Chad’s armed forces belonging to the Tebu ethnicity opposed Libya’s demands, stating the right of Chad’s people over the most southern territories of the Libyan Sahara. They were referring to the region between Ghat and Kufra, but also more northern lands included within the areas of ethnically identified populations (Ottoman, French, Italian, Libyan). Nor is it surprising that before the occupation of the Aozou Strip, in order to rebuff Libyan pressure, Chad’s President Tombalbaye³² had already said that Chad had historical rights over the Fezzan.³³ If one takes into account that in recent years, following Gheddafi’s fall, there have been frequent ethnic-tribal clashes in Libya’s most southern Saharan territories, it becomes easy to once again state that the colonial definition of Libyan borders continues to create problems. In other words, that today’s Libya still has to address this poisoned legacy of its colonial period.

Part II

Localisms, Tribes and Sub-National Identities

³² François Tombalbaye was the first president of Chad once the territory had obtained its independence from France in August, 1960.

³³ G. Simons, *Libya and the West: From Independence to Lockerbie*, I.B. Tauris, London 2004, p. 56.

Chapter III

What is a Middle Eastern Tribe?
Wolfgang Kraus, University of Vienna

This chapter attempts to provide a basis for a general understanding of those cultural, social and political forms of organization, cooperation and collective action that are referred to as “tribes” and “tribal” by many observers. Such organizational forms have been described in many parts of the Middle East¹, with significant similarities but also important regional differences. From Mauritania and Morocco to Afghanistan and beyond, tribal communities conceive themselves as distinct from their wider societies, which they nevertheless are a part of. Historically, such communities have tended to strive for political autonomy from the states by claiming sovereignty over them, demanding an autonomy that, to widely varying degrees depending on political, geographical and historical conditions, they have been able to realize. Nowadays, questions of tribal autonomy and politics are urgently relevant in the case of Libya and several other Middle Eastern countries.

My remarks are based on a comparative study of Middle Eastern tribes² and on in-depth ethnographic research on tribal

¹ I use the term Middle East in its wide sense to refer to West Asia and North Africa.

² W. Kraus, *Islamische Stammesgesellschaften: Tribale Identitäten im Vorderen Orient in sozialanthropologischer Perspektive*, Böhlau, Vienna, 2004; Kraus, *Segmentierte Gesellschaft und segmentäre Theorie: Strukturelle und kulturelle Grundlagen tribaler Identität im Vorderen Orient*, *Sociologus*, 45/1 (1995), pp. 1-25.

organization and identity among Imazighen/Berbers in central Morocco³. Although I have used several older ethnographies on Libyan tribes in my comparative research⁴, I am in no way an expert on Libya, let alone its current political situation. I can only offer general considerations, which nevertheless have some relevance for the way we think about tribal affiliations and tribal politics in relation to other bases of political action.

Some of my readers will no doubt be aware that the title of my talk echoes a question that Jacques Berque famously raised in a short but influential essay just over 60 years ago: “Qu’est-ce qu’une ‘tribu’ nord-africaine”⁵? Berque notes that it would be necessary to begin with a detailed history of the term as used by colonial observers of North Africa, something which, he says, had not yet been done. Incidentally, I began my comparative research on Middle Eastern tribal identities with a similar but wider question in mind.

What are the roots of the European idea of tribe – an idea that proved very influential in the Western perception of non-European social realities as it spread all over the world in

³ W. Kraus, *Die Ayt Hdiddu: Wirtschaft und Gesellschaft im zentralen Hohen Atlas*, Verlag der Österr. Akademie der Wissenschaften, Vienna, 1991; Kraus, *Tribal Land Rights in Central Morocco: A Call for Comparative Research*, Morocco (N.S.) 2 (1997), pp. 16-32; Kraus, *Contestable Identities: Tribal Structures in the Moroccan High Atlas*, Journal of the Royal Anthropological Institute 4/1 (1998), pp. 1-22; Kraus, *Islamische Stammesgesellschaften*, cit.; Kraus, *Tribal Law in the Moroccan High Atlas: Traditional Legal Practice and its Transformations*, in W. Dostal and W. Kraus (eds.), *Shattering Tradition: Custom, Law and the Individual in the Muslim Mediterranean*, IB Tauris, London, 2005, pp. 148–188; Kraus, *Der Heilige in der Kanone: Volkislam und politischer Widerstand in Zentralmarokko*, in H. Mückler, W. Zips and M. Kremsler (eds.), *Ethnohistorie: Empirie und Praxis*, WUV, Vienna, 2006, pp. 171-189.

⁴ E. Evans-Pritchard, *The Sanusi of Cyrenaica*, Oxford University Press, London, 1949; Emrys Peters, *The Bedouin of Cyrenaica: Studies in Personal and Corporate Power*, Cambridge University Press, Cambridge, 1990; Roy H. Behnke, Jr., *The Herders of Cyrenaica: Ecology, Economy, and Kinship among the Bedouin of Eastern Libya*, University of Illinois Press, Urbana, 1990.

⁵ Jacques Berque, *Qu’est-ce qu’une “tribu” nord-africaine?* in *Hommage à Lucien Febvre: Éventail de l’Histoire vivante*, Armand Colin, Paris, 1954, pp. 261-271.

the context of colonialism? The exercise of tracing the history of the term is useful as it makes it clear that certain underlying assumptions continue to shape our perception up to the present. The term tribe referring to a type of social community is directly borrowed from two sets of representation of the distant past: first, the Old Testament, and a little later, ideas about the social structures of classical antiquity as derived from various Greek and Roman sources. This is obvious in those languages, which actually use derivatives of the Roman word “tribus” in describing the concept. The Greek and Latin Bibles use the terms “phyle” or “tribus” for the Tribes of Israel, originally referring to the divisions or – in anthropological parlance – segments of the political communities of ancient Greece and Rome. However, even in a language such as German – where the corresponding term “Stamm” literally means “a tree trunk” – it is easily demonstrated that the word came into use in the sense of tribe in the wake of Luther’s translation of the Bible, which adopted the term to refer to the Tribes of Israel⁶.

In both these roots, the term referred to social units representing subdivisions of a bigger whole, whose membership was based on descent or, rather, an ideology of descent⁷. In order to understand how the notion of tribe gained the remarkable explanatory power that it kept until the mid-20th century, we must examine the grand theories of social organization of the 19th century. Social evolution was the dominant paradigm at that time. In the 1860s, it became clear that humankind was much older than the few millennia that had been calculated from biblical chronology and that it had not been created as it was, but rather evolved out of nature – what Trautmann refers

⁶ Kraus, *Islamische Stammesgesellschaften*, cit., pp. 28-33.

⁷ Among 19th century writers who studied early social organisation, Maine had the clearest notion of common descent as an ideological model. Rather than being produced by the natural facts of human reproduction, descent groups were “legal fictions” based on the “model or principle of an association of kindred” (Henry Sumner Maine, *Ancient Law*, University of Arizona Press, Tucson, 1984 [1861], p. 127).

to as “the revolution in ethnological time”⁸. As a consequence, it became even more obvious than before the necessity to look into the very beginnings in order to understand any social institution, as well as society itself. This quest for origins became the central pressing question for the social theory in the evolutionist era.

Motivated by that interest, scholars such as Fustel de Coulanges and Bachofen engaged in the study of ancient social structures; others such as Maine, McLennan and Morgan shared this interest and supplemented it with the study of contemporary “primitive” societies⁹. Looking back in time, it seemed obvious to consult the oldest available sources in order to understand how society had gradually evolved. Where those sources stopped, our writers resorted to speculation.

Although they disagreed on several important details, the theorists of classic evolutionism shared many basic assumptions. Humankind had a common origin; social evolution was uniform and progressive and concerned humanity as a whole. Social and cultural differences between societies were not a consequence of initial diversity, but were rather due to the fact that some were more advanced in terms of evolution than others. In that conception, contemporary societies such as the Iroquois Indians studied by Morgan could be equated with similar social forms reported by ancient writers, as they represented the same stage of evolution. Therefore, the evolutionists could study contemporary primitives in order to understand European prehistory and vice versa.

Another shared assumption was that the origin of social relations was identified with human reproduction. The earliest

⁸ T. R. Trautmann, *The Revolution in Ethnological Time*, *Man* (N.S.) 27/2 (1992), pp. 379-397.

⁹ J. J. Bachofen, *Das Mutterrecht*, Kraus & Hoffmann, Stuttgart, 1861; Numa-Denis Fustel de Coulanges, *La cité antique*, Flammarion, Paris, 1984 [1864]; J. F. McLennan, *Primitive Marriage*, A. & C. Black, Edinburgh, 1865; Maine, *Ancient Law*, cit.; L. H. Morgan, *Ancient Society*, Henry Holt, New York, 1877.

social bond was indeed that between parents and children. The emergence of the family came along with legal rules concerning that bond. The first social communities arose out of an extension of these rules and were based on common descent. The early social structures of Israel and classical antiquity, with their stress on descent groups – the tribes of Israel, the *phylai*, *gentes* and *tribus* of ancient Greece and Rome – seemed to confirm such assumptions, as did the emerging ethnographic knowledge. Maine and Morgan outlined how this earlier form of kin- and status-based “social organization” gradually gave way to a “political organization” based on contract, territoriality and the state¹⁰. The terms “social” vs. “political organization” are Morgan’s; Maine makes essentially the same point by proposing as “a law of progress” the “movement from Status to Contract”¹¹.

Thus, in a nutshell, the notion of tribe as a socio-political form opposed to the state and based on descent and kin obligations is directly derived from the study of ancient Mediterranean social structures transformed by evolutionist theorizing. Interestingly, this idea of tribal society easily survived the demise of classical evolutionism at the turn of the 20th century. When the emerging discipline of social anthropology turned away from the evolutionist theories of its founding fathers, the idea of kinship as the basis for social cohesion in simple societies persisted, including its latent evolutionist assumptions. It remained summarized in the notion of tribe, as opposed to the state, that remained in use until around 1950 and then gradually began to lose its authority¹². The critical question with

¹⁰ H. S. Maine, *Ancient Law*, cit.; Morgan, *Ancient Society*, cit.

¹¹ H. S. Maine, *Ancient Law*, cit., p. 164 f.

¹² E.g., in *Tribes Without Rulers* (ed. J. Middleton and D. Tait, Routledge and Kegan Paul, London, 1958) the editors essentially avoid the term although it figures in the book’s title, referring to tribes in the sense of Evans-Pritchard as “jural communities”; see Edward E. Evans-Pritchard, *The Nuer*, Oxford University Press, London, 1940.

regard to its validity was, of course, its consistency with empirical data. This question came into sharp focus in the 1960s.

While neo-evolutionists such as Sahlins and Service outlined a tribal level of political organization that was part of an evolutionary sequence (bands-tribes-chiefdoms-states)¹³, others noted that the notion of tribe was empirically vague, under-defined or even impossible to define, and theoretically problematic¹⁴. An even more devastating critique squarely attacked the sometimes explicit, but more often implicit evolutionary assumption underlying most uses of the term: namely, the idea that tribe was a primitive form of organization (in the literal sense of “close to the origins”), and that those communities that observers described as tribes were themselves age-old. Colson demonstrated that, in sharp contrast to such popular conceptions, “tribal” groups and identities in Sub-Saharan Africa were typically of modern origin, recent by-products of colonial conditions and processes similar to European nationalism¹⁵.

Others, such as Southall, went even further, pointing out that the term “tribe” was forced by colonizers on the colonized

¹³ M. D. Sahlins, *The Segmentary Lineage: An Organization of Predatory Expansion*, *American Anthropologist* 63/2 (1961), pp. 322-345; Sahlins, *Tribesmen*, Prentice-Hall, Englewood Cliffs, 1969; E. R. Service, *Primitive Social Organization: An Evolutionary Perspective*, Random House, New York, 1962.

¹⁴ M. H. Fried, *On the Concepts of “Tribe” and “Tribal Society”*, *Transactions of the New York Academy of Sciences*, Ser. II, 28/4 (1966), pp. 527-540; June Helm (ed.), *Essays on the Problem of Tribe: Proceedings of the 1967 Annual Spring Meeting of the American Ethnological Society*, University of Washington Press, Seattle, 1968; A. Southall, *The Illusion of Tribe*, *Journal of Asian and African Studies* 5/1-2 (1970), pp. 28-50.

¹⁵ E. Colson, *Contemporary Tribes and the Development of Nationalism*, in Helm (ed.), *Essays on the Problem of Tribe*, cit., pp. 201-206; cf. Southall, *The Illusion of Tribe*, cit., pp. 33-35; see also M. Fried, *The Evolution of Political Society*, Random House, New York, 1967; Fried, *The Notion of Tribe*, Cummings, Menlo Park, CA, 1975; and Maurice Godelier, “Le concept de tribu. Crise d’un concept ou crise des fondements empiriques de l’anthropologie?” in Godelier, *Horizon. Trajets marxistes en anthropologie*, Maspero, Paris, 1977 [1973], vol. I, pp. 188-235, for similar but more general theoretical arguments.

peoples and had no relation to indigenous conceptions of identity. It was “the product of prejudice and exploitation”, a “self-fulfilling orientalist prophesy in which vague notions of outsiders are essentialized”¹⁶. The scholar suggested that the term be discarded and replaced by “peoples”, an imprecise but less problematic notion. This position was most forcefully argued with regard to Sub-Saharan African societies. It was criticized in its turn as it assigned to indigenous peoples a purely passive role and ignored the various ways in which they had adopted, transformed and made use of the Western notion of tribe; however, this was meant to add nuance to rather than to refute the argument¹⁷.

As a result of these debates, the term “tribe” together with its underlying ideas is now widely deemed unacceptable, misleading and harmful, especially when applied to African peoples. In anthropological discourse, as mentioned above, it had begun to fall out of use even before the wave of critique in the 1960s and 1970s. In the wake of that critique and as a consequence of changed perspectives, most anthropologists would now agree that there is no such thing as a tribal type of society. Other critical disciplines share such conclusions but in the media and public discourses, and even in scholarly analyses, one may still encounter the idea of “tribalism” as a specific form of backwardness, with roots going back to the evolutionism of Morgan’s generation and beyond¹⁸.

¹⁶ A. Southall, *Tribes*, in D. Levinson and M. Ember (eds.), *Encyclopedia of Cultural Anthropology*, Holt, New York, 1996, pp. 1329-1336, here pp. 1334, 1331; cf. also Southall, *The Illusion of Tribe*, cit.

¹⁷ John Sharp, *Tribe*, in A. Kuper and J. Kuper (eds.), *The Social Science Encyclopedia*, 2nd ed., Routledge, London, 1996, p. 883 f.

¹⁸ In much of the social sciences, the relational and processual notion of ethnicity, established roughly at the same time, replaced the essentialist notion of tribe; see Fredrik Barth (ed.), *Ethnic Groups and Boundaries: The Organization of Cultural Difference*, Allen & Unwin, London, 1969.

While social anthropology has put the notion of tribe as a general concept and as a stage in evolution to rest, there are specific regional contexts where the term has remained current. This mainly concerns three areas: India, North America and the Middle East. In the case of the Indian subcontinent as well as in the Americas, the term “tribe” was established by colonial observers and administrators. Both in India and the United States, it has been given a more or less precise legal and administrative meaning. In the Middle East, however, the situation is altogether different. Here, “tribe” is usually employed as a translation of abstract vernacular terms referring to concrete communities based on more general conceptions of collective identity. These terms and the notion of identity behind them existed prior to colonization; while the political realities they refer to were obviously affected by colonial and post-colonial political changes, the continuity with pre-colonial realities is nonetheless obvious. Most Middle Eastern states included such “tribal” populations. Despite considerable variations in their numbers, internal organization, control and use of economic resources and relations to regional states, Middle Eastern “tribes” are based on a “shared cultural logic”, in the words of Eickelman¹⁹. Over long historical periods, this logic of collective identity proved politically powerful as a basis for organization and coordinated action. Under certain circumstances, this continues to be the case.

Are we justified to continue using the term “tribe” for these kinds of groups in the Middle Eastern context? Many anthropologists and historians who have studied them think we are. Beck and Tapper discuss the question at some length²⁰. Others

¹⁹ D. F. Eickelman, *The Middle East and Central Asia: An Anthropological Account*, 4th ed., Prentice Hall, Upper Saddle River, NJ, 2002, p. 116.

²⁰ L. Beck, *The Qasbaqi of Iran*, Yale University Press, New Haven, 1986, pp. 16-18; Richard Tapper, *Frontier Nomads of Iran: A Political and Social History of the Shabsevan*, Cambridge University Press, Cambridge, 1997, pp. 5-10.

underline the usefulness of the term even after its general critique²¹, or agree implicitly by continuing to use the term. Dissenting voices are clearly in the minority²². Interestingly, in Said’s seminal *Orientalism* the Western perception of the tribal Orient goes unmentioned²³.

However, most observers also agree that it is impossible to give a precise definition of tribe as used in the Middle Eastern context²⁴. In anthropological jargon, one may note that the term is generally not used as an analytic, “etic” category devoid of cultural meaning, but rather as a translation of a set of “emic” concepts referring to a cultural categorization of social collectivities. Vernacular terms in various Middle Eastern languages, such as ‘ashîra, qabîla, îl, tâyfa and others, have all been translated as “tribe” by outside observers. They all refer to a similar cultural logic – one that closely matches some of the central assumptions of the old Western notion of tribe and thus makes the translation even more plausible. However, as noted above, there is no

²¹ E.g., P. Bonte, *Donneurs de femmes ou preneurs d’hommes? Les Awlâd Qaylân, tribu de l’Adrar mauritanien*, L’Homme 27/2 (1987), pp. 54-79, here p. 55; Jean-Pierre Digard, *Jeux de structures. Segmentarité et pouvoir chez les nomades Baxtyâri d’Iran*, L’Homme 27/2 (1987), pp. 12-53, here p. 47 n° 7; A. Gingrich, *The Prophet’s Smile and Other Puzzles. Studying Arab Tribes and Comparing Close Marriages (Review Article)*, Social Anthropology 3/2 (1995), pp. 147-170, here p. 147; P. C. Salzman, *Introduction: Varieties of Pastoral Societies*, in U. Fabietti and P. C. Salzman (eds.), «Anthropology of Tribal and Peasant Pastoral Societies: The Dialectics of Social Cohesion and Fragmentation/Anthropologia delle società pastorali tribali e contadine: la dialettica della coesione e della frammentazione sociale», Como: Ibis, Como, 1996, pp. 21-37, here p. 25 n° 8.

²² For dissenting voices, see C. Geertz, ‘From the Native’s Point of View’: On the Nature of Anthropological Understanding”, in *Bulletin of the American Academy of Arts and Sciences* 28/1 (1974), pp. 26-45; L. Rosen, *Bargaining for Reality: The Construction of Social Relations in a Muslim Community*, University of Chicago Press, Chicago, 1984.

²³ E. W. Said, *Orientalism*, Pantheon, New York, 1978.

²⁴ E.g., P. S. Khoury and J. Kostiner, “Introduction: Tribes and the Complexities of State Formation in the Middle East”, in Khoury and Kostiner (eds.), *Tribes and State Formation in the Middle East*, University of California Press, Berkeley, 1990, pp. 1-22, here p. 5.

question of Western observers projecting their idea of tribe on Middle Eastern communities. Quite the opposite: historically speaking, Europe imported the idea of tribe from Middle Eastern and Mediterranean forms of social and political organization. It is therefore no accident that the notion of tribe is more appropriate in the Middle East than in other parts of the world.

This insight should not lead us to assume that tribal forms are a timeless, unchanging constant of Middle Eastern societies²⁵. On the contrary, I argue that tribes can only be properly understood in a historical perspective focusing on their interrelations with other forms of social order. Nevertheless, the cultural logic of tribal identity and organization has been a *longue durée* reality in most of the Middle East.

If we consider Middle Eastern tribes as a historical reality rather than an idea or a cultural model with a shared logic, we see a lot of variation. While tribal economies always have tended to rely on access to land, the forms of exploitation of landed resources range from intensive irrigated agriculture to extensive mobile pastoralism, corresponding with equally variable forms of settlement, life-style and social organization, including regulations of access to land. We can note in passing that the popular idea that tribal organization is somehow linked to nomadism is entirely mistaken. Despite their romantic appeal for Western observers, the noble Bedouin of the desert are no more typical of Middle Eastern tribal organization than the sedentary tribespeople of the Yemeni highlands²⁶. As Beck

²⁵ Such is, unfortunately, the perspective suggested by Salzman's more recent work in which he ascribes a pervasive tribal culture to Muslim Middle Eastern society at large that for him is at the root of most of the current problems and conflicts in the region (e.g., Philip Carl Salzman, *Culture and Conflict in the Middle East*, Humanity Books, New York, 2008; Salzman, *The Middle East's tribal DNA*, *Middle East Quarterly*, 15/1 (2008), pp. 23–33, online: <http://www.meforum.org/1813/the-middle-east-tribal-dna>).

²⁶ For ethnographic examples, see William Lancaster, *The Rwala Bedouin Today*, Cambridge University Press, Cambridge, 1981; Paul Dresch, *Tribes, Government, and History in Yemen*, Oxford University Press, Oxford, 1989.

underlines: “There is no necessary association between a tribe and a particular ecological adaptation, mode of production, economic system, pattern of mobility, or life-style”²⁷. While desert and steppe nomads such as, e.g., the Rwala Bedouin²⁸ tend to maintain a more flexible relation to land, in most cases tribal identities have an important territorial dimension²⁹. Most notably, sedentary or predominantly sedentary tribes generally have precisely delimited territories, sometimes with territorial subdivisions reflecting tribal segmentation. Such sedentary tribes exist, e.g., in Morocco, Algeria, Yemen, Pakistan and Afghanistan. The majority of Middle Eastern tribes traditionally rely on various, and variable, combinations of agriculture and partially mobile pastoralism entailing collective land rights which may, or may not, be acknowledged by the modern states incorporating these tribal groups³⁰.

The specific forms of collective land appropriation and use correspond with internal tribal organization as well as with typical conflict lines emerging in relation to competition for resources. However, there is no simple correlation between economy, lifestyle or territoriality and political centralization. While segmentary tribal organization generally does not encourage internal centralization, some groups such as the large nomadic tribal confederations in Iran developed strongly

²⁷ L. Beck, *The Qashqa'i of Iran*, cit., p. 15.

²⁸ W. Lancaster and F. Lancaster, *The Concept of Territory among the Rwala Bedouin*, *Nomadic Peoples*, 20 (1986), pp. 41–48; Lancaster, *The Rwala Bedouin Today*, cit.

²⁹ A. Gingrich, “Tribe”, in N. J. Smelser and P. B. Baltes (eds.), *International Encyclopedia of the Social and Behavioral Sciences*, Pergamon, Oxford, 2001, pp. 15906–09.

³⁰ Kraus, *Islamische Stammesgesellschaften*, cit., pp. 88–95. The observation that there is no contradiction between tribal organization and territoriality incidentally serves to refute the old evolutionist idea, discussed above, of a general movement from kin-based “status” to territorially-based “contract” (in Maine's terms), or from “social organization” to “political organization” (in Morgan's terms).

centralized political structures³¹. Ethnographically documented forms include tribal assemblies, temporarily elected headmen, charismatic leadership, episodic despotic rule, and even tribal dynasties exerting efficient domination over considerable periods. In addition to internal factors, specific historical relations with state power appear to be a main cause of such variation. Some have also suggested that differing cultural traditions (“Turko-Mongolian” vs. “Arabic”) played a major role in the contrast between strongly centralized and relatively egalitarian political forms³².

As a form of political organization with the same basic principles operating on various levels of segmentation, Middle Eastern tribes are well adapted for collectively organizing access to land, including its control and defense, as well as, in many specific historical situations, its forced appropriation. Violent competition for land and, more generally, tribal military activities obviously clash with the European ideal conception of the state’s monopoly on the use of force. Nevertheless, tribes historically engaged in such activities not only at the periphery of state control, but also with the tolerance and encouragement of Middle Eastern states whose rulers frequently relied on tribal organization as an administrative and military structure, while simultaneously striving to control and contain the tribes. As several observers have pointed out, states frequently reorganized tribal groups or even created new tribes, processes that

³¹ Beck, *The Qashqa’i of Iran*, cit.; Gene R. Garthwaite, *Khans and Shabs: A Documentary Analysis of the Bakhtiari in Iran*, Cambridge University Press, Cambridge, 1983.

³² C. Lindholm, *Kinship Structure and Political Authority: The Middle East and Central Asia*, *Comparative Studies in Society and History* 28 (1986), pp. 334-355; Thomas J. Barfield, “Tribe and State Relations: The Inner Asian Perspective”, in Khoury and Kostiner (eds.), *Tribes and State Formation in the Middle East*, cit., pp. 153-182. Despite their heuristic value, such very general models do not sufficiently reflect the empirical variability of the forms of political authority; cf. Kraus, *Islamische Stammesgesellschaften*, cit., pp. 118-122.

Tapper refers to as “‘tribe formation’ and deformation”³³. The modern states in the region have tended to monopolize such political and military functions³⁴. However, political changes in several Middle Eastern countries in the last few decades have shown that this development is in no way irreversible.

On the level of cultural models and values, Middle Eastern tribes are named collectivities that generally perceive themselves as based on common patrilineal descent and endogamous marriage, and as collective actors with a shared history. In organizing and defending their resources and in other important respects, tribes see themselves and act as political groups, pursuing an ideal of political autonomy. Depending on their relations with states, such aspirations for autonomy may be realized to variable degrees. On the level of values, however, they constitute a defining aspect of tribal identity³⁵.

A typical aspect of Middle Eastern tribes is segmentation, a dimension that – on the logical level – is well suited to be expressed in a genealogical model and – on the empirical level – often but not always goes along with such a model. Common descent not only serves as a symbol of unity but also of internal segmentation. Genealogy also provides an idiom for expectations and demands of loyalty and cooperation: just as in the regional cultural logic of kin ties, persons who are close to each other in terms of patrilineal descent are expected to support each other against more distant persons and groups. In abstract terms, agnatic kinship provides a model for social solidarity and action. In more concrete terms, genealogy posits persons

³³ R. Tapper, *Anthropologists, Historians, and Tribespeople on Tribe and State Formation in the Middle East*, in Khoury and Kostiner (eds.), *Tribes and State Formation in the Middle East*, cit., pp. 48-73, here p. 52.

³⁴ A. S. Ahmed and D. M. Hart, *Introduction*, in Ahmed and Hart (eds.), *Islam in Tribal Societies: From the Atlas to the Indus*, Routledge and Kegan Paul, London, 1984, pp. 1-21, here p. 1.

³⁵ Kraus, *Islamische Stammesgesellschaften*, cit., pp. 114-116.

in different degrees of closeness and defines rights, obligations and expectations of conduct in a pervasive but relative manner.

In such a model, tribes are represented as a nested series of communities, with each community splitting into several smaller sub-communities on several levels. From the individual point of view, each person finds him/herself in the center of several concentric circles of identity and belonging, each one corresponding to a named patrilineal group, from the minimal segment up to the tribe or tribal confederation. While, generally speaking, political relations between groups are expected to conform to their relative positions in this segmentary structure, actors are to some extent aware of the fact that genealogy is a model of socio-political relations rather than its cause. This becomes evident in the fact that tribal genealogies may be consciously amended to reflect changes in political relations within or between tribes³⁶.

The conception and representation of social relations in terms of segmentation attracted Western observers' attention early on. Morgan described the principle as the "gentile organization" of the Iroquois and the peoples of classical antiquity, while Maine and Fustel de Coulanges discussed the veracity of the genealogies of ancient political groups with opposite conclusions³⁷. In his explication of mechanical vs. organic solidarity, Durkheim referred to Morgan but also to Middle Eastern cases, namely, Hanoteau and Letourneux' Kabyle ethnography and the tribes of Israel³⁸. Around the same time,

³⁶ E.g., W. Dostal, *Egalität und Klassengesellschaft in Südarabien: Anthropologische Untersuchungen zur sozialen Evolution*, Berger, Horn, 1985, p. 19; cf. W. R. Smith, *Kinship and Marriage in Early Arabia*, University Press, Cambridge, 1885, ch. 1.

³⁷ Morgan, *Ancient Society*, cit.; Fustel de Coulanges, *La cité antique*, cit., p. 117; Maine, *Ancient Law*, cit., p. 124 f.; cf. Kraus, *Islamische Stammesgesellschaften*, cit., p. 35 f.

³⁸ É. Durkheim, *De la division du travail social: Étude sur l'organisation des sociétés supérieures*, Félix Alcan, Paris, 1893, p. 193 f.; cf. A. Hanoteau and A. Letourneux, *La Kabylie et les coutumes kabyles*, Imprimerie Nationale, Paris, 1872-73.

Smith published a detailed analysis of Bedouin social organization³⁹ that has been termed "one of the enduring classics of anthropology"⁴⁰.

From Smith's intellectual lineage, the principle of segmentation entered anthropological theory with the work of Evans-Pritchard, with a parallel line from Morgan and Maine through Durkheim and Radcliffe-Brown to Fortes, giving rise to a major strand of what became known in retrospect as "descent" or "lineage theory". In 1940, based on their respective ethnographies between the Tallensi and the Nuer, Fortes and Evans-Pritchard introduced the "segmentary lineage system" as one of two types of political systems in Sub-Saharan Africa⁴¹. The analytic model of stateless polity they outlined was adopted by several other ethnographers of uncentralized African societies and soon was applied in other world regions as well. Evans-Pritchard went on to do fieldwork in Libya and described Cyrenaican Bedouin tribes in fairly abstract terms as a segmentary system of balanced opposition⁴².

This transfer of what was widely perceived as an Africanist model in a Middle Eastern context met with some criticism. Those who worried about Evans-Pritchard's lack of attention to elementary differences between African and Middle Eastern social realities⁴³, however, failed to see how his view of the Nuer was inspired by his Middle Eastern experiences as well as his reading of Smith⁴⁴. Nevertheless, there were certain basic

³⁹ Smith, *Kinship and Marriage in Early Arabia*, cit.

⁴⁰ Eickelman, *The Middle East and Central Asia*, cit., p. 36.

⁴¹ M. Fortes and E. E. Evans-Pritchard, "Introduction", in Fortes and Evans-Pritchard (eds.), *African Political Systems*, Oxford University Press, London, 1940, pp. 1-23; cf. Evans-Pritchard, *The Nuer*, cit.; Fortes, *The Dynamics of Clanship Among the Tallensi*, Oxford University Press, London, 1945.

⁴² Evans-Pritchard, *The Sanusi of Cyrenaica*, cit.

⁴³ E.g., N. Dyson-Hudson, *The Study of Nomads*, in W. Irons and N. Dyson-Hudson (eds.), *Perspectives on Nomadism*, Brill, Leiden, 1972, pp. 2-29, here p. 6.

⁴⁴ Evans Pritchard himself was quite explicit about this connexion; see his *A History of Anthropological Thought*, Faber & Faber, London, 1981, p. 71 f.; see also

differences: most obviously, the descent groups Africanists described in terms of segmentary systems were typically exogamous, while those in the Middle East displayed a more or less pronounced endogamous tendency. Less obvious and less commented, the segmented tribes of the Middle East typically were in *longue durée* relations with regional states or empires and thus lent themselves less well for an ideal-type opposition of tribe/segmentary system and state than the paradigmatic African cases.

The debate surrounding segmentary theory in the Middle East went on for more than two decades before it faded as anthropology turned to postmodernism. Although this is not the place to discuss the various positions put forward in its course⁴⁵, my own take is that much of that debate must be understood in the context of the discipline's dealing the final blows to functionalism, that is, on the epistemological level. While this aspect of the debate is no longer relevant today, those of us who are interested in ethnographically understanding Middle Eastern tribes still are confronted with the question of what to make with self-representations of tribal identities in terms of segmentation. That such representations are far from being an accurate description of actual political processes – the “course events take,” in Dresch's phrase⁴⁶ – has often been pointed out.

Does one have to conclude that segmentation is irrelevant for an understanding of such processes? This position was influentially argued by Peters who studied the Bedouin

of Cyrenaica in much greater ethnographic detail than Evans-Pritchard had done. Peters saw segmentation as a “folk model” that had little or no effect on empirical political reality. By over-emphasizing patrilineal descent and agnatic ties, furthermore, it masked other kinds of social relations of equal importance such as affinal and matrilineal ties. He concluded that segmentary theory was not an adequate analytic model of political processes and held no explanatory value⁴⁷.

My own position is much indebted to Salzman's earlier work and his careful refutation of Peters' empiricist reasoning⁴⁸. Middle Eastern tribal segmentation is indeed a cultural model. As such, it is to some degree independent of actual behaviour. Segmentation may be culturally reproduced as a structural disposition of named groups and as an ideology of egalitarianism, agnatic closeness and solidarity, even if, as in Peters' case, empirical social and political reality does not conform to it. In such cases, segmentation is what Salzman refers to as “a social structure in reserve”, a model “available for activation in the future when current conditions disappear and an alternative organizational form, one not based upon territoriality, is required”⁴⁹. It facilitates adaptation to unstable political conditions and to territorial mobility, a necessity that has been recurrent for many Middle Eastern tribes in the past. The present-day crises in many Middle Eastern countries are similar to such historical experiences in that alternative forms of sociability may prove politically expedient when states fail to provide for their citizens' welfare and security.

Eickelman, *The Middle East and Central Asia*, cit., p. 36 f., 121; P. Dresch, *Segmentation: Its Roots in Arabia and Its Flowering Elsewhere*, Cultural Anthropology, 3/1, pp. 50-67.

⁴⁵ Kraus, *Segmentierte Gesellschaft und segmentäre Theorie*, cit.; Kraus, *Contestable Identities: Tribal Structures in the Moroccan High Atlas*, cit.; Kraus, *Islamische Stammesgesellschaften*, cit., ch. 5.

⁴⁶ P. Dresch, *The Significance of the Course Events Take in Segmentary Systems*, American Ethnologist, 13/2 (1986), pp. 309-324.

⁴⁷ E. Peters, *Some Structural Aspects of the Feud Among the Camel-Herding Bedouin of Cyrenaica*, Africa 37/3 (1967), 261-282 (reprinted in Peters, *The Bedouin of Cyrenaica*, cit.).

⁴⁸ P. C. Salzman, “Does Complementary Opposition Exist?”, in *American Anthropologist*, 80/1 (1978), pp. 53-70; see also Salzman, *Ideology and Change in Middle Eastern Tribal Societies*, Man (N.S.) 13/4 (1978), pp. 618-637.

⁴⁹ Salzman, *Does Complementary Opposition Exist?*, pp. 63, 68.

As an ideological model, agnatic tribal segmentation coexists with other models that may logically contradict it. Among these are collective rank and status differences that are involved in relations with non-tribal people, such as persons with religious authority and charisma or low-ranking artisan groups, but also may intervene between tribes or tribal sub-groups. Such collective differences are typically expressed in the refusal of or ban on intermarriage. Other contradictory models of sociability and political order may become apparent in more or less permanent forms of personal or “dynastic” power within tribes, sometimes encouraged by the interrelations between tribes and states. Together with factors such as territoriality, competition for resources between neighbouring groups, and cognatic and maternal kinship rather than agnatic descent as guidelines for solidarity, these divergent and contradictory models of social and political action may, at a given moment in time, account as much for empirical observable behaviour as segmentation, or more than it⁵⁰. Nevertheless, as Salzman argued, tribal segmentation provides an important model to fall back on, should the circumstances favour it.

In the first part of the present chapter, I have argued that the decisive weakness of the old notion of tribe as a general type of social organization is its inherent evolutionism, and this notion has rightly been discarded by social anthropology and many other disciplines. This perspective does not help to understand the dynamics of such groups that we may usefully continue to describe as tribes, and this is nowhere as evident as in the Middle East. As a culturally specific and historically grounded concept, however, tribe remains useful if we are careful to avoid its generalizing pitfalls. One of these would

⁵⁰ For a more empirically based discussion of these aspects of Middle Eastern tribes, see Kraus, *Islamische Stammesgesellschaften*, cit., ch. 3-5.

be to direct our attention away from what seems to many observers to be one of the fundamental historical aspects of Middle Eastern tribes: namely, their *longue durée* interrelations with centralized forms of government, be they regional states or empires. A perspective that assumes a general evolution from tribe to state can never account for this historical reality⁵¹.

In the dominant evolutionist conception, the tribe is the antithesis of the state or its distant precursor. Although, in such a view, it might be admitted that historically tribes may coexist with states, this appears as an uneasy combination of opposed political forms where in the long run the state – the more evolved form – will triumph. In a historical perspective, in stark contrast to such ideas, the Middle East has been characterized by a long-term interaction, even symbiosis, of tribes and states where both sides arranged with each other, used, manipulated and transformed each other, but generally did not question the other’s right to exist. Tribes and states may frequently have been in conflict with each other, as tribes tended to strive for political autonomy, but many documented cases exist of states using – or even creating – tribes as an administrative structure, as well as tribes creating or re-creating states⁵². In short, in a historical perspective on Middle Eastern tribes there is no such

⁵¹ Such an evolutionary sequence is assumed in the models of both the classical evolutionism of the 19th century discussed at length above and the neo-evolutionism of writers such as Sahlins and Service (Sahlins, *The Segmentary Lineage*, cit.; Sahlins, *Tribesmen*, cit.; Service, *Primitive Social Organization*, cit.). However, a more complex and useful evolutionary perspective has been argued by Fried, one of the major critics of the general notion of tribe, who suggested that tribes are “the product of processes stimulated by the appearance of relatively highly organized societies amidst other societies which are organized much more simply” (Fried, *The Evolution of Political Society*, cit., p. 170).

⁵² Referring to Morocco around 1800, the historian El Mansour notes that the state “could not conceive of any other form of organisation within which the individual could be made accountable for taxes and military services. Far from weakening tribal structure, the Makhzen [state] seems always to have encouraged it; motivated by both administrative and politico-military considerations” (M. El Mansour, *Morocco in the Reign of Mawlay Sulayman*, Menas Press, Wisbech, 1988, p. 7).

thing as a fundamental contradiction between tribes and states.

This generalization holds true for most of the pre-colonial history of the Middle East. Colonial and post-colonial independent states, on the other hand, have been able to tip the historical balance to the detriment of tribal politics. In the Berber- or Tamazight-speaking tribal community that I studied in the Moroccan High Atlas, tribal identity and belonging do no longer provide an important basis for political mobilization and action, although important rights of land use do still depend on tribal membership. However, as we see in the case of several Middle Eastern states, including Libya, this is not always a decisive and permanent change.

If Middle Eastern tribes must be understood as situated in history and culture, the same holds for states. I will draw on my field research on tribal identity in central Morocco for a brief example of how tribe and state were historically entwined. Ever since the Saadian dynasty in the 16th century, the pre-colonial Moroccan state relied on a conception of legitimacy that stressed the ruler's descent from the Prophet, his religious charisma and the double nature of his rule which combined religious and political leadership. Some key aspects of this conception remain relevant up to the present or have been reinstated after independence thanks to the historical continuity of the ruling Alawite dynasty. Just as the pre-colonial sultan, the king continues to be identified as *Amîr al-mu'minîn*, commander of the faithful⁵³.

In my research, I analyzed extensive oral material on tribal history and tribe-state relations, which I collected among the Ayt Hdiddu of the central High Atlas. Given that the Ayt Hdiddu had been living in practical autonomy since

⁵³ See the Constitution of 2011, Art. 41, Bulletin Officiel n° 5964 bis du 28 Chaâbane 1432 (30 juillet 2011) (online: http://www.maroc.ma/fr/system/files/documents_page/BO_5964BIS_Fr.pdf).

settling in their present-day territories in the course of the 17th century, I was struck by how clearly those tribespeople on the distant periphery of the pre-colonial Moroccan state historically portrayed themselves as part of a wider politico-religious whole that was centred on the sultan⁵⁴.

In the collective vision of the past emerging from the oral traditions, there was an obvious even if latent contradiction between two levels of identity. One was related to tribal belonging and stressed the separate identity of the tribe. The other was related to Islam and "Moroccan-ness"; it stressed affiliation both to a community of believers and to a historical entity ruled by Alawite sultans and dating back to the Idrisids of the late 8th century (again with genealogical links to the Prophet).

Tribal identity posited the person as distinct from members of other tribal groups and from the non-tribal population. It emphasized values of tribal cohesion, political autonomy and non-submission to the state. Islamic identity posited the person as a member of an overarching and undifferentiated community of believers and as a subject and follower of the sultan in his double role as state ruler and religious leader. The tension between these two levels of identity and the contradictory ideal behaviours they suggested is evident in many oral traditions.

Thus, certain elements of rich oral traditions about the only immediate encounter between a Sultan and the tribe (1893-94) can only be read as comments on the religious legitimacy of taxes raised by the state ruler (a question that arose on several occasions in the history of the Alawite state⁵⁵). Under the surface of a simple narration of events, the fact that tribespeople did not pay the *zakât* (alms) and *'usbûr* (tithe) taxes stipulated by Islam is reflected together with the possible alternative of giving alms to the local saints who, in their specific

⁵⁴ Kraus, *Islamische Stammesgesellschaften*, cit., ch. 11, 12; Kraus.

⁵⁵ El Mansour, *Morocco in the Reign of Mawlay Sulayman*, cit., pp. 48-50.

manner, provided an alternative linkage of tribespeople to the values of Islam. In this example and others, I found that oral traditions provided ideological justifications both for submitting to and rejecting the central state, thereby facilitating adaptation to shifting political conditions. In my study of tribal customary law and its interrelations with Islamic law, I found the relation between the two frames of reference to be historically dynamic, with several instances where customary law was consciously amended to better conform to Islamic legal norms⁵⁶.

Conclusion

To sum up, tribes and states have coexisted in the Middle East for long periods. Despite considerable variation in the specific forms of tribal and state organization and politics, one can generalize that in most cases states have not been doing away with tribes and tribes have not been destroying states. There have been specific instances of both happening, but as often states rearranged tribes and tribes recreated states. In my understanding, in this *longue durée* balance, both tribe and state are cultural models of sociability that make partially contradictory demands on the person. In order to understand how they interact in a specific setting, we must consider them as historically specific. This is exactly where an evolutionary understanding of tribes with its implications of archaism must fail. The anthropological critique of the general notion of tribe has convincingly argued that there is no tribal social organization that exists independently from specific historical formations. In short, there is no tribal society. Among most anthropologists, there is no need to bring this point home. It is however very relevant because influential public, media and political discourses still retain elements of the

⁵⁶ Kraus, *Tribal Law in the Moroccan High Atlas*, cit.

evolutionism underlying the older conception of tribe, assuming that loyalties based on models of kinship, descent and social relatedness are anachronistic and incompatible with state rule.

As I hope to have demonstrated, such ideas come out of European observations on Middle Eastern and Mediterranean political forms and their transformation into the notion of tribe with its specific intellectual history. To make things more complex, these ideas have in turn been adopted by Middle Easterners themselves. Even if in many Middle Eastern contexts tribal belonging remains a source of pride, views such as the following can increasingly be found: “Why have nomadic or indigenous tribes not disappeared from the Arab countries despite mostly disappearing from rest of the world? Why do most Arab states still have nomadic and fanatically tribal elements that still resist modernity...”⁵⁷.

Such a conception, based in evolutionist thinking and essentially negative, does not merely subsist; it has made a remarkable comeback in the global constellation following 9/11 and even more after the Arab spring. This line of thinking does not in any way help us to understand the dynamics of tribal politics. Rather, we must concentrate on the ways in which tribal structures, institutions and ways of acting help people to manage their lives under difficult conditions, e.g., by organizing access to resources or handling conflicts, mediating and restoring peace⁵⁸. To pick up a suggestive phrase that Thomas Hüsken used in our debates during the Tunis conference, tribes may play important roles in the “local production of order”. Especially so if states fail to produce such order, which in most cases is not the consequence but rather the cause of people turning to the tribal alternative.

⁵⁷ S. Abu-Zayd, *The Resurgence of Arab Tribalism*, Al-Monitor (online), Sept 13, 2013, <http://www.al-monitor.com/pulse/en/politics/2012/04/will-tribalism-inherit-political.html>.

⁵⁸ Kraus, *Tribal Law in the Moroccan High Atlas*, cit.

Chapter IV

Heterarchy, connectivity and Locality.
Emerging Forms of Political Organization
From Libya to Northern Mali

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Current political developments in Libya and northern Mali represent nothing less than the renegotiation of the post-colonial political order. The toppling of authoritarian regimes in Libya and the country's subsequent disintegration in post-revolutionary camps and regions, as well as the continuing Tuareg rebellion in northern Mali, accompanied by the rise of transnational Islamist and jihadist forces, have led to the fragmentation of state structures, to more heterogeneity in politics, and to the emergence of non-state power groups, which gain relevance on the complex political stage. While often propagating social and political alternatives to the Western state model, some of these groups seem to be intertwined, at least at times, with respective state structures.

In this article, we discuss processes of "political orders in the making" from local and trans-local perspectives. The current situation in Northwest Africa offers a unique opportunity for observation and study of the post-colonial political order's renegotiation, including strong contestations to the Western state model. It is assumed that ongoing processes of remaking political orders, particularly in Libya and Mali, are strongly linked, without suggesting any kind of causality between them. In spite of the predominance of debates over international intervention

in policy-making circles, part of the academic literature and the media, the local dimension continues to constitute the decisive arena for the making of political orders.

We bring together three theoretical concepts and fields of research: heterarchy (historical and present), connectivities in Northwest Africa, and the importance of local actors/locality. The first concept of heterarchy is a recent one, responding to the rapid development of political orders in the African continent and elsewhere within the last twenty years. Heterarchy points at central traits of current political (state and non-state) orders, namely the mutable as well as unstable intertwining of state and non-state orders and the plurality of competing power groups. The second concept of connectivity (across states and borders) in northwest Africa is a newly re-discovered topic, perceiving state borders (and the Sahara desert) not as barriers but as transitional spaces. It allows a better understanding of recent political developments and their historical roots. The concept of local actors/locality is well rooted in political anthropology and political sociology, and has lately been discovered by political science as well. It underlines the importance of "the local" in negotiation processes and struggles over what political order to establish.

*Heterarchy, Local Politics, Connectivity and the
Renegotiation of the Post-Colonial Order*

Publications on political events in Libya and Northern Mali significantly increased from the turn of the new millennium and even more from 2011 onwards with the beginning of the Libyan Revolution that was followed by a civil war, the Tuareg upheaval (January 2012), the short-lived "State of Azawad," the rule of jihadist groups in Northern Mali and, since January 2013, the French military intervention. The greatest number of

publications on these developments is in remarkable contrast to the fact that, due to great insecurity in both Libya and Northern Mali, collecting empirical data has been most difficult if not impossible. Besides journalistic accounts, numerous publications either draw on security studies or analyze events from a political science perspective¹, mostly limited to media analysis and expert interviews. This is also true for nearly all works in the social sciences field using materials “[which] derive from sustained contacts with informants in Mali [i.e.

¹ See, for example, the reports and analyses by the International Crisis Group on Mali [http://www.crisisgroup.org/en/regions/africa/west-africa/mali.aspx] and Libya [http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/libya.aspx]; see also the following security and policy studies: Mustafa Barth, “Sand Castles in the Sahara: US Military Basing in Algeria,” *Review of African Political Economy* 30, n° 98 (Dec. 2003), 679-685; T. A. Benjaminsen, “Does Supply-Induced Scarcity Drive Violent Conflicts in the African Sahel? The Case of the Tuareg Rebellion in Northern Mali,” *Journal of Peace Research*, vol. 45, n° 6 (2008), 819-836; M. Boås and L. E. Torheim, “The international intervention in Mali: ‘Desert blues’ or a new beginning?,” *International Journal* 68, n° 3 (2013), 417-423; Ray Bush and Jeremy Keenan, “North Africa: Power, Politics & Promise”, *Review of African Political Economy* 108 (2006), 175-184; Peter Cole, *Borderland Chaos? Stabilizing Libya’s Periphery*, The Carnegie Papers Middle East, October 2012; Peter Cole and Wolfram Lacher, *Politics by Other Means. Conflicting Interests in Libya’s Security Sector*, Small Arms Survey, Graduate Institute of International and Development Studies 20 (2014), Geneva; W. Lacher, “Families, tribes and cities in the Libyan Revolution,” *Middle East Policy* 18, n° 4 (Winter 2011), 140-154; W. Lacher, “Libyen: Wachstumsmarkt für Jihadisten”, in G. Steinberg and A. Weber (eds), „Jihadismus in Afrika Lokale Ursachen, regionale Ausbreitung, internationale Verbindungen“, *Stiftung Wissenschaft und Politik Deutsches Institut für Internationale Politik und Sicherheit*, SWP S7 (2015); Djallil Lounnas, “The Regional Fallouts of the French Intervention in Mali,” *Mediterranean Politics* 18, n° 2 (2013), 325-332; Roland Marchal, “Mali: Visions of War,” *Stability: International Journal of Security & Development* 2, n° 2, 1-8; Stephanie Pezard and Michael Shurkin, “Toward a Secure and Stable Northern Mali: Approaches to Engaging Local Actors,” RAND Corporation research report series (2013); P. Pryce, “Misadventure or Mediation in Mali: The EU’s Potential Role,” *Central European Journal of International and Security Studies* 7, n° 2 (2013), 22-39; D. Stewart, “What is next for Mali? The roots of conflict and challenges to security,” *U.S. Army War College Strategic Studies Institute* (2013); A. Thurston, “Mali: The Disintegration of a Model Democracy,” *Stability* 2, n° 1 (2013), 1-7; I. Werenfels, “Qaddafis Libyen, endlos stabil und reformresistent?” *Stiftung für Wissenschaft und Politik* (SWP), Studie S 7 (2008).

in the country’s capital Bamako] and extensive reading of relevant media reports”².

We have divided the following into two parts. In the first part, we will discuss the theoretical concepts and fields of research that are relevant for our studies; the second part gives an overview of the social science debate on current events in the two regions. We believe the three theoretical concepts outlined above will, firstly, contribute to a better understanding of current events, and secondly, will help to grasp the field of politics beyond perspectives centered on the state. This does not mean, however, that we understand the further rise of non-state orders as the only path of development in the region. We believe the concepts we propose can avoid any kind of normativist trap, be it state centrism or deficiency paradigms.

Heterarchy

The colonial expansion and subsequent global implementation of statehood in the 19th and first half of the 20th centuries seemed to support the idea that the modern bureaucratic state of Western origin is the inevitable mode of political organization for human societies. Since the end of the Cold War, however, the crisis and the genuine erosion of the state in the former USSR and in Africa, and recently in the Middle East, initiated a debate on the transformation of statehood. Transformations of statehood are labeled with numerous additional attributes, such as “network state”³, a term referring to interconnections between the state and networks of non-state actors, or “cunning

² O. M. Gaasholt, “Northern Mali 2012: the short-lived triumph of irredentism,” *Strategic Review for Southern Africa* 35, n° 2 (2013), 68.

³ C. Züricher and J. Koehler, “Institutions and Organizing Violence in Post-Socialist Societies,” *Berliner Osteuropa Info* 17 (2001), 48-52.

states”⁴, describing weak states that rely on development cooperation and international aid in order to endure or, with respect to Africa, “command state”⁵, which operates behind the façade of modern statehood favoring clientelism, corruption and the appropriation of development aid. Some pessimistic voices even speak of an “apocalyptic triad” of “state failure, state decay and state collapse”⁶.

Over the last two decades, Africa has experienced deep changes resulting in new social and political settings almost everywhere in the continent. Africa serves as a particular symbol of state failure. The end of the Cold War and the collapse of the socialist bloc in the 1990s had their effects on the African continent. Here, however, the crisis of statehood seems to be deeper than anywhere else in the world. Rapid political changes took place and mummified regimes, some of which had been in power for decades, destabilized. Democratization was in the political agenda, along with hopes of social, political and economic renovation after decades of authoritarian rule, economic crisis, and political disengagement. While political reforms in the early 1990s gave voice to a lively

⁴ S. Randeria, “Between Cunning States and Unaccountable International Institutions: Social Movements and Rights of Local Communities to Common Property Resources,” *Discussion Paper* Nr. SP IV 2003-502 (2003), Veröffentlichung der Arbeitsgruppe “Zivilgesellschaft: historisch-sozialwissenschaftliche Perspektiven“ des Forschungsschwerpunktes Zivilgesellschaft, Konflikte und Demokratie des Wissenschaftszentrum Berlin für Sozialforschung AGZG, <http://skylla.wz-berlin.de/pdf/2003/iv03-502.pdf>.

⁵ G. Elwert, “The Command State in Africa. State deficiency, clientelism and power-locked economies,” in S. Wippel and I. Cornelissen (eds), *Entwicklungspolitische Perspektiven im Kontext wachsender Komplexität. Festschrift für Prof. Dr. Dieter Weiss*, Forschungsbericht des Bundesministeriums für wirtschaftliche Zusammenarbeit und Entwicklung, vol. 128 (Munich, Bonn & London: Weltforum, 2001), 419-452.

⁶ G. Erdmann, “Apokalyptische Trias: Staatsversagen, Staatsverfall und Staatszerfall – Strukturelle Probleme der Demokratie in Afrika,” in P. Bendel, A. Croissant & F.W. Rüb (eds.), *Demokratie und Staatlichkeit. Systemwechsel zwischen Staatsreform und Staatskollaps* (Opladen: Leske-Budrich, 2003), 267-292.

civil society in some African countries, in others democracy rapidly became the official mask for the “unspoken restoration of more autocratic practices,” a phenomenon already evident by the middle of the decade⁷. Other countries experienced military coups or collapsed into civil war. The outcomes of the political opening in the early 1990s have been diverging and diverse. The growing democratic culture in a number of countries is accompanied by more visible conflicts and neo-authoritarian developments in others. Many countries (Egypt, Libya, Nigeria, Mali) are currently confronted with radical Islamist and jihadist movements that seek to establish their understandings of proper Islamic states.

Significantly, the adjectives to qualify resulting structures of the African state have been consistently negative, such as “failing,” “failed,” “weak,” “soft,” “incomplete,” “collapsed,” “greedy,” or “criminal”⁸. We proposed the term “heterarchy”⁹ as opposed to “hierarchy”, in order to perceive the processual

⁷ M. K. Mirzeler, “Rethinking African politics: an interview with Crawford Young,” *African Studies Review* 45, n° 1 (2002), 106.

⁸ J. Bayart, *L'État en Afrique: la politique du ventre*, Fayard, Paris, 1989; J. Bayart, S. Ellis & B. Hibou (eds), *The Criminalization of the State in Africa*, Oxford, Bloomington & Indianapolis: The International African Institute in Association with James Currey & Indiana University Press, 1999; R. Fattouh Jr., *Predatory Rule. State and civil society in Africa*, Lynne Rienner, Boulder, London, 1992; P. Chabal and J. Daloz, “Africa Works. Disorder as Political Instrument”, in *The International African Institute in Association with James Currey & Indiana University Press*, Bloomington & Indianapolis Oxford, 1999.

⁹ A. Bellagamba and G. Klute, “Tracing Emergent Powers in Contemporary Africa – Introduction,” in A. Bellagamba and G. Klute (eds), *Beside the State. Emergent Powers in Contemporary Africa*, Rüdiger Köppe, Cologne, 2008, 7-21; G. Klute and B. Embaló, “Introduction: Violence and Local Modes of Conflict Resolution in Heterarchical Figurations,” in G. Klute and B. Embaló (eds), *The Problem of Violence: Local Conflict Settlement in Contemporary Africa*, Rüdiger Köppe, Cologne, 2011, 1-27; T. von Trotha, “The Problem of Violence: Some Theoretical Remarks about ‘Regulative Orders of Violence’, Political Heterarchy, and Dispute Regulation beyond the State,” in G. Klute and B. Embaló, *The Problem of Violence*, 31-48; see also: P. Chabal, G. Feinman and P. Skalník, “Beyond States and empires: chiefdoms and informal politics,” *Social Evolution and History* 3, n° 1 (2004), 22-40.

character of politics, the differentiated distributions of power-foci in many African countries, and the fluid and changing relations within an entity whose components may split and again reunite in ever new constellations¹⁰. We came across the heterarchy concept when studying the Russian neo-evolutionists Bondarenko, Grinin and Korotayev, who used it to describe huge pre-historical chieftaincies which, despite the great number of people they included, did not develop state structures¹¹. However, the idea of heterarchy was actually first employed by the neuroscientist Warren McCulloch in 1945: “He examined alternative cognitive structure(s), the collective organization of which he termed “heterarchy”. He demonstrated that the human brain, while reasonably orderly, was not organized hierarchically. This understanding revolutionized the neural study of the brain and solved major problems in the fields of artificial intelligence and computer design”¹². (To date, “heterarchy” is almost exclusively used in neurosciences or informatics, but rarely in archaeology or in social sciences.)

The heterarchy concept also allows overcoming the prevailing “state-centrism” and “deficiency perspectives” in the debate on politics in Africa¹³. The African state is often represented against the background of the Weberian state,

¹⁰ G. Klute, “African Political Actors in ‘Ungoverned Spaces’: Towards a Theory of Heterarchy,” in G. Klute and P. Skalník (eds), *Actors in Contemporary African Politics* (Berlin: LIT Verlag, 2013), 1-24.

¹¹ D.M. Bondarenko, L.E. Grinin, and A.V. Korotayev, “Alternatives to social evolution,” in L. E. Grinin, R. L. Carneiro, D. Bondarenko, N. N. Kradin and A. V. Korotayev (eds.), *The Early State, its Alternatives and Analogues* Uchitel Publishing House, Volgograd, 2004, 3-27.

¹² C. L. Crumley, “Heterarchy and the Analysis of Complex Societies,” *Archaeological Papers of the American Anthropological Association* 7, n° 1 (1995), 3.

¹³ T. von Trotha, “The ‘Andersen Principle’: On the Difficulty of Truly Moving Beyond State-Centrism,” in M. Fischer and B. Schmelzle (eds), *Building Peace in the Absence of States: Challenging the Discourse on State Failure*, *Berghof Handbook Dialogue* n° 8, Berghof Research Center for Constructive Conflict Management, Berlin, 2009, 37-46.

and adjectives qualifying it are hence mostly negative. Since concepts based on deficiencies were deemed unsatisfactory, attempts were made in recent years to overcome them. Some of the notions proposed in this respect in recent years resemble heterarchy, such as Risse and Lehmkuhl’s idea of “governance in areas of limited statehood”, the “heterogeneous state” proposed by Sousa Santos, the idea of a “polycephaly” (particularly on the local level) as suggested by Bierschenk and Olivier de Sardan, Mehler’s “oligopolies of violence,” or the “hybrid political orders” proposed by Boege et al¹⁴. All these concepts respond to the circumstance that regions of fragile, failing and failed states accommodate political orders of great heterogeneity and non-synchronicity, and draw our attention to the diversity of non-state orders. However, they are conceived of in too static a way, downplaying the dynamics, interests, conflicts and power struggles of those (customary) non-state institutions and actors. Risse’s and Lehmkuhl’s concept of “governance in areas of limited statehood” actually fails to overcome the state-centered perspective, for it replaces the institutional normativism inherent in the debate on governance with a functional normativism. Sousa Santos’ notion of the “heterogeneous state” still puts the state at the center of thought. Mehler’s “oligopolies of violence,” on the other hand, refers too

¹⁴ See T. Risse and U. Lehmkuhl (eds), *Regieren ohne Staat. Governance in Räumen begrenzter Staatlichkeit*, Nomos, Baden-Baden, 2007; B.de Sousa Santos, “The Heterogeneous State and Legal Pluralism in Mozambique,” *Law & Society Review* 40 (2006), 39-75; on “polycephaly” see T. Bierschenk and J. Olivier de Sardan, “Powers in the Village: Rural Benin between democratization and decentralization,” *Africa* 73 (2003), 145-173; on “oligopolies of violence” see A. Mehler, *Oligopolies of Violence in Africa South of the Sahara* Institut für Afrika-Kunde, Hamburg 2004; on “hybrid political orders” see V. Boege, A. Brown, K. Clements, and A. Nolan, “On Hybrid Political Orders and Emerging States: What is Failing – States in the Global South or Research and Politics in the West?” in M. Fischer and B. Schmelzle (eds), *Building Peace in the Absence of States: Challenging the Discourse on State Failure*, *Berghof Handbook Dialogue* n° 8, Berghof Research Center for Constructive Conflict Management, Berlin, 2009, 15-35.

strongly to the economic sphere, thus conceptualizing the political actor as “homo economicus”; it thereby reduces power struggles to management problems. The notion of polycephaly does indeed express the great heterogeneity of the current political field in Africa. In contrast to the heterarchy concept, however, it assumes that the local polycephaly will disappear once a strong and central state re-emerges. And finally the concept of hybrid political orders “downplays the dynamics, interests, conflicts and power struggles of customary non-state institutions and actors,” as Trotha¹⁵ put it in a critical assessment of this last approach. Recent studies of African bureaucracies oppose the generalized deficiency paradigm addressed to the African state¹⁶. However, even here the interlacement between state and non-state rationales and practices in Africa is not denied.

The perspective of heterarchy includes and expands the concept of para-statehood and para-sovereignty¹⁷. It opens up our view to grasp various forms of para-statehood or clientelist chieftaincy, including orders such as the neo-segmentary order of Somaliland which, on the dimension of the degree of heterarchy, lies furthest away from the order of the state¹⁸.

¹⁵ T. von Trotha, “The Problem of Violence. Some Theoretical Remarks about ‘Regulative Orders of Violence’, Political Heterarchy, and Dispute Regulation beyond the State,” in G. Klute, B. Embaló (eds.), *The Problem of Violence. Local Conflict Settlement in Contemporary Africa*, Köln: Koeppel, 2011, 31-48.

¹⁶ J. Olivier de Sardan, “The Bureaucratic Mode of Governance and Practical Norms in West Africa and Beyond,” in M. Bouziane, C. Harders, and A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World* (New York: Palgrave-Macmillan, 2013), 43-64; Thomas Bierschenk and Jean-Pierre Olivier de Sardan, *States at Work, Dynamics of African Bureaucracies* (Leiden: Brill, 2014).

¹⁷ G. Hauck, “Schwache Staaten? Überlegungen zu einer fragwürdigen entwicklungspolitischen Kategorie”, *Peripherie* 96 (2004), 411-427; G. Klute and T. von Trotha, “Roads to Peace: From Small War to Parastatal Peace in the North of Mali,” in M. Foblets and T. von Trotha (eds), *Healing the Wounds: Essays on the Reconstruction of Societies after War*, Hart Publishing, Oxford 2004, 109-143; T. von Trotha, “The Problem of Violence.”

¹⁸ Von Trotha, The Andersen Principle in M. Fischer and B. Schmelzle “Building Peace in the Absence of States”, *Berghof Handbook Dialogue* n° 8.

There is hardly a political setting imaginable to which the notion of heterarchy applies better than to contemporary Libya, northern Mali and neighboring parts of northwest Africa. The notion of heterarchy is appropriate to describe the fluctuating, entangling and disentangling tribal, state-like, Islamist and jihadist, youth, civil, organized crime and militia-like forms of political organization. This comprises varying political practices and rationales as well as different conceptions of power, rule, and legitimacy¹⁹.

Only empirical evidence, however, will show whether the model of the (Western) nation-state will actually come to an end, and if heterarchical figurations and the decline of the centralized state will characterize future (African) political settings.

Connectivities

The fall of the Gaddafi regime in Libya in 2011 has had obvious impacts throughout all of northwest Africa, creating political instability and conflicts, albeit to varying degrees, in Libya’s neighboring countries²⁰. Mali in particular seemed to be affected by the return of soldiers and militiamen of (Malian)

¹⁹ T. Hüsen, “Tribes, Revolution, and Political Culture in the Cyrenaica Region of Libya,” in Bouziane et al., *Local Politics and Contemporary Transformations in The Arab World*, 214-231; G. Klute, “Post-Gaddafi Repercussions, Global Islam or Local Logics?”, in L. Koehlin and T. Förster (eds), *Mali – Impressions of the current crisis Mali – impressions de la crise actuelle* (Basel Papers on Political Transformations no. 5, 2013), 7-13; W. Lacher, “Libyen: Wachstumsmarkt für Jihadisten,” in G. Steinberg and A. Weber (eds), *Jihadismus in Afrika Lokale Ursachen, regionale Ausbreitung, internationale Verbindungen*, Stiftung Wissenschaft und Politik Deutsches Institut für Internationale Politik und Sicherheit, SWP S7 (2015); Baz Lecocq, Gregory Mann, Bruce Whitehouse, Dida Badi, Lotte Pelckmans, Nadia Belalimat, Bruce Hall & Wolfram Lacher, “One hippopotamus and eight blind analysts: A multivocal analysis of the 2012 political crisis in the divided Republic of Mali,” *Review of African Political Economy* 40, n° 137 (2013), 343-357.

²⁰ See, e.g. P. Cole, “Borderland Chaos? Stabilizing Libya’s Periphery”, *The Carnegie Papers Middle East*, October 2012.

Tuareg origin in late 2011. This brought a number of authors to highlight the links that existed between the Libyan events and its “repercussions” in northwest Africa, thus perceiving the region as deeply interconnected, rather than divided by deserts and state borders²¹.

Some academic traditions include Northwest Africa in the Arab Middle East, while considering West Africa as a region for African studies. Recently, however, the connectivity across the Sahara and between North Africa, the Sahel and West Africa has gained new attention²². This attention builds on the works of scholars who have focused on the historical and contemporary interactions (social, political, economic, cultural) and evident interdependencies in Northwest Africa despite “traditional” academic demarcations and boundaries²³.

²¹ M. Boàs and M. Utas, “Post-Gaddafi Repercussions in the Sahel and in West Africa,” *Strategic Review for Southern Africa* 35, n° 2 (2013), 3-15; D. Lounnas, “The Regional Fallout of the French Intervention in Mali,” *Mediterranean Politics* 18, n° 2 (2013), 325-332.

²² See, e.g., D. Casajus, “Sahara en mouvement,” *L'Année du Maghreb* 7 (2011), 5-23.

²³ See D. Badi, “Le rôle des communautés sahéliennes dans l'économie locale d'une ville saharienne: Tamanrasset (Sahara algérien),” in E. Boesen and L. Marfaing (eds.), *Les nouveaux urbains dans l'espace Sabara-Sabel. Un cosmopolitisme par le bas*, Karthala, Paris, 2007, 259-277; R. Bellil and D. Badi, “Les migrations actuelles des Touaregs du Mali vers le sud de l'Algérie (1963-1990),” *Études et documents berbères* 13 (1995), 79-98 ; K. Bennafla, “La réactivation des échanges transsahariens : L'exemple tchado-libyen,” in L. Marfaing and S. Wippel (eds.), *Les relations transsahariennes à l'époque contemporaine: Un espace en constante mutation*, Karthala, Paris, 2004, 89-110; J. Brachet, “Movement of People and Goods: Local Impacts and Dynamics of Migration to and Through the Central Sahara,” in J. MacDougall and J. Scheele (eds.), *Saharan Frontiers: Space and Mobility in Northwest Africa* (Bloomington: Indiana University Press, 2012), 238-256; Emmanuel Grégoire, “Les migrations ouest-africaines en Libye,” in L. Marfaing and S. Wippel (eds.), *Les relations transsahariennes à l'époque contemporaine*, 173-191; G. Klute, “L'islamisation du Sahara (re) mise en scène : Les idéologies légitimatrices dans la guerre fratricide des Touareg maliens,” in L. Marfaing and S. Wippel (eds.), *Les relations transsahariennes à l'époque contemporaine*, 361-378; L. Marfaing and S. Wippel, “Espace transsaharien : espace en mouvement : Quelques réflexions pour une approche conceptuelle – une introduction,” in L. Marfaing and S. Wippel (eds.), *Les relations transsahariennes à l'époque contemporaine*, 7-26; J. Triaud, *La légende noire de la Sanūsīyya : Une confrérie*

Following the arguments re-introduced by Scheele and McDougall, we perceive Northwest Africa as a specific space shaped by particular forms of social, political, cultural and economic connectivity based on tribal organization, ethnic belonging, trans-local relations, formal and informal trade, rebel and secessionist movements, political Islam and transnational jihadist groups²⁴. This connectivity transgresses state borders, has a greater historical depth than the respective post-colonial states and, in many respects, is more vital than these. Recent studies have demonstrated that African borderlands are particular zones in which transnational realities challenge state conceptions of sovereignty, territoriality and citizenship and also generate specific interconnected political settings²⁵.

The vitality of these connectivities is a key factor in the renegotiation of the postcolonial order that is currently at stake in Mali and Libya, but this does not mean that all current events are solely an outcome of it. The latest Tuareg rebellion in Mali, for instance, was certainly affected by the repercussions of the revolution in

musulmane saharienne sous le regard français (1840-1930), Vol. I + II Éditions de la Maison des sciences de l'homme, Paris 1995.

²⁴ J. Scheele “Saharan Connectivity in Al-Khal I, Northern Mali,” in J. MacDougall, J. Scheele (eds.), *Saharan Frontiers. Space and Mobility in Northwest Africa*, Indiana University Press, Bloomington and Indianapolis, 2012, 222-237.

²⁵ U. Engel and P. Nugent (eds.), *Respacing Africa*, Brill, Amsterdam, 2010; M. Hoehne, D. Feyissa (eds.), *Borders and Borderlands as Resources in the Horn of Africa*, J. Currey, Woodbridge, 2010; B. Korf, T. Raeymaekers, “Introduction: Border, Frontier and the Geography of rule at the Margins of the State,” in B. Korf, T. Raeymaekers (eds.), *Violence on the Margins. States, Conflict, and Borderlands*, Palgrave Macmillan, New York, 2013, 3-28; see also T. Hüskén, G. Klute, “Emerging Forms of Power in Two African Borderlands,” in D. Coplan (ed.), *Journal of Borderlands Studies*, JBS 25.2, (2010), Special Issue: From Empiricism to Theory in African Border Studies: 107-123; Judith Scheele, “TRIBUS, ÉTATS ET FRAUDE : LA RÉGION FRONTALIÈRE ALGÉRO-MALIENNE,” *Études rurales*, n° 184 (2009), *La tribu à l'heure de la globalisation*: 79-93 ; For more references see the website of the African Borderlands Studies Network, www.aborne.org.

Libya, but it was also rooted in a genuine local history²⁶. Thus the reactivation, rediscovery or reinvention of historical claims and traditions on local levels – like traditional chieftaincies or ethno-political mobilizations – should not be neglected.

Nevertheless, the notion of connectivity helps to overcome the perspective on northwest Africa as sphere of localities and regions separated by desert and state borders. Furthermore, we have to move away from the assumed divide between Arab North Africa, the Sahel and West Africa (also visible in academic sub-disciplines like African studies and the anthropology of the Middle East and North Africa), emphasizing instead long-neglected commonalities between them.

Local actors, local arenas

The concept of “local actors” or “localities” is well rooted in political anthropology and political sociology; lately, it has also been discovered by political science²⁷. This concept underlines the importance of the local dimension in negotiation processes and struggles about the issue of what political order to establish. Thus, local actors and localities are taken from the periphery of the study of politics into the centre of attention²⁸.

²⁶ Y. Ronen, “Libya, the Tuareg and Mali on the eve of the ‘Arab Spring’ and in its aftermath: an anatomy of changed relations,” *The Journal of North African Studies*, 18:4 (2013): 544-559; G. Klute, “Post-Gaddafi Repercussions, Global Islam or Local Logics?”, in L. Koechlin, T. Förster (eds.), “Mali – Impressions of the current crisis Mali – impressions de la crise actuelle”, *Papers on Political Transformations* n° 5 Basel, 2013, 7-13.

²⁷ C. Harders, “Bringing the Local Back,” in M. Bouziane, C. Harders, A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 113-136.

²⁸ V. Das, D. Poole (eds.), *Anthropology in the margins of the state*, School of American Research Press, New York and Santa Fe, 2004; F. Stepputat, “Contemporary Governance: Sovereign Practice and Hybrid Orders Beyond the Center,” in M. Bouziane, Cilja Harders, Anja Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 25-42.

With regard to the current reconfiguration of political orders in Northwest and sub-Saharan Africa, one can distinguish three lines of thought, all of which deal with local leadership. The “local political arena” perspective, as introduced by Thomas Bierschenk²⁹, describes local political arenas and analyses the political struggle for power and influence between different local power groups. The local political order is shaped by a polycephaly in which the weak central state is entangled. This perspective neglects, however, the systematic links existing today between the local arena and the international and transnational level³⁰, and seems to assume that the local polycephaly will disappear once a strong and central state is reinstalled. The second perspective deals with African chieftainship and segmentary modes of political organization. It integrates a historical perspective highlighting the continuities and innovations of these modes of political organization within new contexts and settings. It reveals, for instance, the continuity and inventiveness of “neo-traditional” chieftaincy³¹. A third perspective draws attention to the emergence of new local, non-state forms of power and domination (Herrschaft) and their interlacement with the state. Even in studies of African bureaucracies that oppose the deficiency paradigm addressed to

²⁹ T. Bierschenk, “Herrschaft, Verhandlung und Gewalt in einer afrikanischen Mittelstadt (Parakou, Benin),” in *Africa spectrum*, 34, 3 (1999): 321-348.

³⁰ G. Klute, « De la chefferie administrative à la parasouveraineté régionale, » in André Bourgeot (éd.), *Horizons nomades en Afrique Sabélienne. Sociétés, développement et démocratie*, Karthala, Paris, 1999, 167-181.

³¹ J. Forest, “Lineages of State Fragility. Rural Civil Society in Guinea-Bissau,” James Currey & Athens Ohio University Press, Oxford, 2003); T. T. Spear, “Neo-traditionalism and the limits of invention in British colonial Africa,” *Journal of African History* 44, (2003): 3-27; Century, Cambridge: Cambridge University Press; P. Skalník, “Chieftom: a universal political formation?,” *Focaal – European Journal of Anthropology* 43 (2004): 76-98; P. Skalník, “Rethinking Chiefdoms”, in A. Bellagamba, G. Klute (eds.), *Beside the State. Emergent Powers in Contemporary Africa*, Koeppe, Köln, 2008, 183-195.

the African state (see above), these interlacements are seen as significant of the “real practice of African governance”³².

The crisis of the state in Africa actually seems to alter the varying spaces of manoeuvre for local leaders and groups, traditional, neo-traditional as well as “new guys” within and “beside the state,” enabling them to succeed with their conceptions of order that are against, parallel to, or interlaced with the state³³, the result of which we call “heterarchical figurations” (see above). With concern to the interlacement of local leadership with the state in heterarchical figurations, Jourdan has given a wonderful example in the figure of Governor Serufuli of North Kivu in the eastern Democratic Republic of Congo. Serufuli governed the region on behalf of the Congolese state; he then created a local non-governmental organization whose declared objective was fighting for peace; finally, he armed his personal militia under the pretence of securing the region. Although Serufuli’s power seemed to defy the state, it was linked to state power in Congo and Rwanda as well as to the international donor community³⁴.

³² L. Koechlin, T. Förster (eds.), *The Politics of Governance: Actors and Articulations in Africa and Beyond*, Routledge, New York, 2014; J. Olivier de Sardan, “The Bureaucratic Mode of Governance and Practical Norms in West Africa and Beyond,” in M. Bouziane, C. Harders, A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 43-64; T. Bierschenk, J. Olivier de Sardan (eds.), *States at Work, Dynamics of African Bureaucracies*, Brill, Leiden, 2014.

³³ G. Klute, T. v. Trotha, “Roads to Peace. From Small War to Parastatal Peace in the North of Mali,” in M. Foblets, T. von Trotha (eds.), *Healing the Wounds. Essays on the Reconstruction of Societies after War*, (Oñati International Series in Law and Society, Oxford, 2004) 109-143; A. Bellagamba, G. Klute, “Tracing Emergent Powers in Contemporary Africa – Introduction,” in A. Bellagamba, G. Klute (eds.), *Beside the State. Emergent Powers in Contemporary Africa*, Koeppel, Köln, 2008, 7-21; Yann, B. Niane Lebeau, A. Piriou & M. Saint Martin (eds.), *Etat et acteurs émergents en Afrique. Démocratie, indocilité et transnationalisation*, Karthala, Paris, 2003.

³⁴ Luca Jourdan, “New Forms of Political Order in North Kivu (DRC) – The Case of the Governor Eugene Serufuli,” in Alice Bellagamba, Georg Klute (eds.), *Beside the State. Emergent Powers in Contemporary Africa*, Köln, 2008, 75-87.

With regard to the recent developments in Northwest Africa and particularly in Northern Mali, some authors focus on global perspectives instead of dealing with local configurations, an argument strongly rejected by others³⁵. Our project follows the hypothesis that in the crisis of the state in Northwest Africa, it is indeed “the local” that becomes a prior place where political order is generated. It is the space where local and regional politicians, opinion leaders and groups act as gatekeepers between the (weak) state, the vitality of the “local arena,” and the transnational sphere. In contrast to administrative chieftaincy and other colonial intermediaries, today’s politicians and leaders are neither entirely local nor exclusively national, but are located at the interface of the local, the national and eventually transnational political fields³⁶. Heterarchical figurations are populated by leading members of the local and regional party establishment, higher ranking civil servants, chiefs and sheikhs, leading members of non-governmental organizations as well as entrepreneurs of many kinds. These actors are “producers of order” who play a major role in the renegotiation of the post-colonial order in Northwest Africa³⁷. Indeed, our goal is to initiate a debate that goes beyond the idea that political orders favored by international

³⁵ P. Boilly, «Géopolitique africaine et rébellions touarègues. Approches locales, approches globales (1960-2011)» *L'Année du Maghreb*, VII (2011):151-162; T. v. Trotha, “The Problem of Violence. Some Theoretical Remarks about ‘Regulative Orders of Violence’, Political Heterarchy, and Dispute Regulation beyond the State,” in G. Klute, B. Embalo (eds.), *The Problem of Violence. Local Conflict Settlement in Contemporary Africa*, Koeppel, Köln, 2011, 31-48.

³⁶ K. Beck, „Stämme im Schatten des Staats: Zur Entstehung administrativer Häuptlingstümer im nördlichen Sudan,“ *Sociologus*, Jahrgang 39, Heft 1 (1989): 19-35; T. v. Trotha, *Koloniale Herrschaft. Zur soziologischen Theorie der Staatsentstehung am Beispiel des “Schutzgebietes Togo”*, Mohr, Tübingen, 1994.

³⁷ T. Hüsen, “Tribes, Revolution, and Political Culture in the Cyrenaica Region of Libya,” in M. Bouziane, C. Harders, A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 214-231.

actors can be implemented through military interventions. Travelling global models such as decentralization (often referred to as a political solution for Mali) or federalism (discussed in the case of Libya) are meaningless if they are not appropriated and adjusted to local and regional settings by the respective actors in these arenas. Our foremost ambition is to replace the implicit normativism in the debate with an empirical perspective: we want to pursue the question whether the model of the (Western) nation-state will be replaced by heterarchical figurations through the lens of the local.

The case of Libya

Libya's political system has been of great fascination to scholars of political science and social anthropology. This is particularly true for Muammar Al-Gaddafi's Jamahariyya ("people's republic", "republic of the masses") with its meeting of nationalism and egalitarianism with certain democratic elements³⁸. A striking aspect of Gaddafi's regime (1969-2011) was the trajectory towards informality in politics. The combination of charismatic revolutionary leadership impersonated by Muammar Al-Gaddafi, the buildup of a family dynasty and the increasing relevance of kinship politics based on tribal belonging have been discussed by several authors³⁹. Amal Obeidi's book

³⁸ D. Vandewalle, *A History of Modern Libya*, University Press, Cambridge, 2006; D. Vandewalle, *Libya Since 1969: Qaddafi's Revolution Revisited*, Palgrave Macmillan, Basingstoke & New York, 2008.

³⁹ J. Davis, *Libyan Politics: Tribe and Revolution*, Tauris, London, 1987; L. Anderson, "Tribe and State: Libyan Anomalies", in P. S. Khoury, J. Kostiner (eds.), *Tribes and State Formation in the Middle East*, University of California Press, Berkeley, L.A. 1990, 288-302; H. P. Mattes, "Formal and Informal Authority in Libya Since 1969," in D. Vandewalle (ed.), *Libya Since 1969. Qaddafi's Revolution Revisited*, Palgrave Macmillan, New York, 2008, 55-81.

Political Culture in Libya showed how the tribe and tribal orientations became an "alternative to civil society"⁴⁰. However, for several years political analysts believed Libya to be stable and resistant to reforms. The Libyan revolution against Gaddafi in 2011 and the toppling of the regime came unexpected to most observers, but indeed changed the political setting in the country. During the revolution and in its immediate aftermath, a number of authors focused on the political opportunities attributed to the Arab spring and saw Libya as a political laboratory. Others concentrated on the emerging poly-central order in Libya, characterized by a high relevance of locality, family politics and tribal belonging⁴¹.

Even if the term is rarely employed, most recent publications actually describe the political setting in Libya as a heterarchy of tribal, state-like, Islamist and Jihadist, youth, civil, organized crime and militia-like forms of political organization⁴². Heterarchical figurations comprise varying political practices and rationales as well as different conceptions of power, rule, and also legitimacy⁴³. Wolfram Lacher shows that the conflict between two opposing post-revolutionary camps – the Islamist Fajr Libya (Libyan Dawn) with its stronghold in the

⁴⁰ A. Obeidi, *Political Culture in Libya*, Routledge Curzon, Richmond, Surrey, 2001, 108.

⁴¹ I. Werenfels, "Qaddafis Libyen, endlos stabil und reformresistent?," (Stiftung für Wissenschaft und Politik (SWP), *Studie S 7* 2008); F. Edlinger, *Libyen: Hintergründe, Analysen, Berichte*, Promedia, Wien, 2011; T. Hüskén, "Politische Kultur und die Revolution in der Cyrenaika," in F. Edlinger (ed.), *Libyen: Hintergründe, Analysen, Berichte*, Promedia, Wien, 2011, 47-71; Wolfram Lacher, "Families, tribes and cities in the Libyan Revolution," *Middle East Policy*, Vol. XVIII, n° 4 (2011) 140-154.

⁴² P. Cole, B. McQuinn (eds.), *The Libyan Revolution and its Aftermath*, Hurst, London, 2015.

⁴³ T. Hüskén, "Tribes, Revolution, and Political Culture in the Cyrenaica Region of Libya," in M. Bouziane, C. Harders, A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 214-231.

city of Misrata and the self-proclaimed government in Tripoli versus the opposing Karama Operation (Operation Dignity) led by Khalifa Haftar with the elected parliament/government in Tobruk on his side – has caused a massive acceleration of the Libyan setting towards a more heterogeneous and indeed heterarchical figuration⁴⁴. Moreover, transnational jihadist formations like Da'ish (IS) and the Benghazi-based Ansar Al-Shariah (Followers of the *sharia*) are promoting and violently implementing their version of a just Islamic order based on the evocation of the early Muslim caliphates. Finally, Libya's borders and borderlands in the East (Egypt), in the South/Southwest (Chad, Niger, Algeria) and in the Northwest (Tunisia) have developed into open field for various local, regional, national and even global transgressive practices promoted by smugglers, illicit arms traders, networks for the trafficking of people as well as ethno-political mobilization movements of the Tubu, Tuareg and Amazighen. In the assessment of political analysts and the global media, however, Libya is already treated as a failed state⁴⁵.

Although the outcomes of the Libyan revolution and the recent civil war are depicted as very “uncertain”⁴⁶, this does not mean that the political field is empty. On the contrary, political orders are still produced, albeit predominantly or even exclusively on the local and regional level by city councils, tribal politicians and tribal councils, businessmen and entrepreneurs, militia leaders, former elites of the Gaddafi regime, former army officers, ethno-political movements of minorities

⁴⁴ W. Lacher, “Fault Lines of the Revolution. Political Actors, Camps and Conflicts in the New Libya,” (SWP Research Paper, German Institute for International and Security Affairs, 2013).

⁴⁵ M. Fitzgerald, “Finding Their Place: Libya's Islamists During and After the Revolution,” in P. Cole, B. McQuinn (eds.), *The Libyan Revolution and its Aftermath*, Hurst, London, 2015, 177-204; P. Cole, “Borderland Chaos? Stabilizing Libya's Periphery”, (*The Carnegie Papers Middle East*, 2012).

⁴⁶ D. Vandewalle, “Libya's Uncertain Revolution,” in P. Cole, B. McQuinn (eds.), *The Libyan Revolution and its Aftermath*, Hurst, London, 2015, 17-30.

such as the Tubu, the Tuareg and the Amazigh (Berber), and by various Islamist factions. In some cases, most prominently in Misrata, this development has led to the rise of a para-sovereign city-state that has at the same time forged the Islamist alliance Fajr Libya (Libyan Dawn) across the country and was involved in the installation of a national counter-government in Tripoli. In addition, Misrata is part of a larger transnational Islamist connectivity that seeks to establish just political order on the foundations of Islam⁴⁷. Despite the important work of the above-mentioned authors and experts, often conducted at high personal risk, a comparative empirical perspective on Libya that includes the connectivities with neighbouring countries and regions is still waiting to be realized.

The case of Northern Mali

Adagh is the name of a mountainous area in the borderland between Mali and Algeria. Two-thirds of Adagh are located in Mali, corresponding roughly to the administrative entity of the region de Kidal in northern Mali. The inhabitants of the region, about 100,000 people, are nomadic pastoralists, mostly Tuareg. Scientific literature on the region is scarce, particularly with regard to the field of politics. Most of the works have dealt with or at least touched upon transnational migration to Algeria and Libya, trans-border trade, the clan-based social organization of migrants, or the rebellion of the Tuareg against the Malian

⁴⁷ P. Cole, B. McQuinn (eds.), *The Libyan Revolution and its Aftermath*, Hurst, London, 2015; T. Hüskén, “Tribes, Revolution, and Political Culture in the Cyrenaica Region of Libya,” in M. Bouziane, C. Harders, A. Hoffmann (eds.), *Local Politics and Contemporary Transformations in The Arab World*, Palgrave-Macmillan, New York, 2013, 214-231; W. Lacher, “Fault Lines of the Revolution. Political Actors, Camps and Conflicts in the New Libya,” (SWP Research Paper, German Institute for International and Security Affairs, 2013).

state⁴⁸. This situation changed at the turn of the new millennium, and even more so with a new Tuareg upheaval in January 2012, as mentioned above. The increase in numbers of publications coincides firstly with the arrival of new political actors in the region from the beginning of the 2000s onwards, and then with violent events that began in January 2012, all of which aroused the interest of journalists and scholars alike. Most of these more recent works are either journalistic reports or adopt political science or security studies approaches. Few works, albeit with some remarkable exceptions, base their findings on empirical fieldwork; most indeed rely on media analyses or interviews with local, regional or national politicians, mostly held in capital cities.

Despite these shortcomings, many works on recent political events in northern Mali point to their connectedness with developments in Libya or, more generally, with developments and trends outside the respective local spheres⁴⁹. Other voices, however, warn against establishing premature causalities and underline the importance of the local dimension, or for that matter, the national level. Instead of explaining what happens in northern Mali as resulting from Libyan events, it is assum-

⁴⁸ For an overview over the literature on the political field until the new millennium, see the monographs by P. Boilley, *Les Touaregs Kel Adagh dépendances et révoltes: du Soudan français au Mali contemporain*, Karthala, Paris, 1999; G. Klute, *Tuareg-Aufstand in der Wüste. Ein Beitrag zur Anthropologie der Gewalt und des Krieges*, Köppe, Köln, 2013; B. Lecocq, *Disputed Desert. Decolonisation, Competing Nationalisms and Tuareg Rebellions in Northern Mali*, Brill, Leiden, 2010.

⁴⁹ M. Boâs, M. Utas, "Post-Gaddafi Repercussions in the Sahel and in West Africa," *Strategic Review for Southern Africa*, Vol. 35, n° 2, (2013) 3-15; O. M. Gaasholt, "Northern Mali 2012: the short-lived triumph of irredentism", *Strategic Review for Southern Africa*, Vol. 35, n° 2 (2013) 68-91; Y. Ronen, "Libya, the Tuareg and Mali on the eve of the 'Arab Spring' and in its aftermath: an anatomy of changed relations," *The Journal of North African Studies*, 18:4 (2013): 544-559; D. Stewart, *What is next for Mali? The roots of conflict and challenges to stability*, (U.S. Army War College, Strategic Studies Institute, 2013); P. Boilley, «Géopolitique africaine et rébellions touarègues. Approches locales, approches globales (1960-2011)» *L'Année du Maghreb*, VII: (2011) 151-162.

ingly the local and national level that shape trans-regional or even "global" current events⁵⁰.

It does perhaps not come as a surprise that works dealing with connectivities across Northwest Africa, overcoming academic as well as political boundaries, have become more prominent recently. In this regard, important contributions have been made by Judith Scheele and others following her arguments⁵¹. Those scholars put forward the historical depth of cross-Saharan networks of various kinds (economic, religious, political, kinship). They thus came to understand connectivity and related mobility not as responses to deficiencies of various kinds, but as properties common to the Saharan-Saharan region and to all Northwest Africa. On the other hand, all works sharing this approach underline the interrelatedness between the local, the regional and the global levels⁵².

Many authors struggle with the complexity of the political setting in Mali and in neighboring countries. There are some elements contributing to the current heterogeneous political situation in Mali: a number of (non-state) armed groups

⁵⁰ C. Dowd, C. Raleigh 2013, "The Myth of Global Islamic Terrorism And Local Conflict in Mali And The Sahel", *African Affairs*, 112/448: (2013) 498-509; B. Lecocq, G. Mann, B. Whitehouse, D. Badi, L. Pelckmans, N. Belalimat, B. Hall, W.Lacher, "One hippopotamus and eight blind analysts: a multivocal analysis of the 2012 political crisis in the divided Republic of Mali," *Review of African Political Economy*, DOI:10.1080/03056244.2013.799063 [pdf].

⁵¹ J. MacDougall, J. Scheele (eds), *Saharan frontiers: space and mobility in northwest Africa*, Indiana University Press, Bloomington, 2012; J. Scheele "Saharan Connectivity in Al-Khal I, Northern Mali," in J. MacDougall, J. Scheele (eds.), *Saharan frontiers: space and mobility in northwest Africa*, Indiana University Press, Bloomington, 2012, 222-237.

⁵² D. Badi, "Cultural Interaction and the Artisanal Economy in Tamanrasset", J. MacDougall, J. Scheele (eds.), *Saharan frontiers: space and mobility in northwest Africa*, Indiana University Press, Bloomington, 2012, 200-211; J. Bracher, "Movements of People and Goods. Local Impacts and Dynamics of Migration to and through the Central Sahara" J. MacDougall, J. Scheele (eds.), *Saharan frontiers: space and mobility in northwest Africa*, Indiana University Press, Bloomington, 2012, 238-256.

operate in Northern Mali, and the state has lost its monopoly of coercion, at least in most of the Northern parts of the country, and with it much of its legitimacy. Some high-ranking public servants and army officers seem to have participated (or still participate) in the international drug trade, thus blurring the boundary between the public and the private spheres. Misappropriation of aid money is said to be endemic, adding to the generalized corruption in the country. A remarkable attempt to come to terms with this complexity is a “multi-vocal analysis” presented by eight authors, all of whom are renowned historians, anthropologists, and political scientists of Mali or Northwest Africa⁵³. The authors argue for a multi-layered perspective, international, regional and local, on the Malian crisis; they further claim for genuine anthropological, “highly localized” studies in Northern and in Southern Mali in order to overcome the divide that is said to exist between Saharan and southern scholarly traditions. They do not deal with the question, however, of how to tackle the problem of comparison.

Some years earlier, Klute and Trotha introduced the concepts of para-state and para-sovereignty in order to describe a political setting in Northern Mali, and specifically in the Kidal region, where a group of tribal chiefs, installed as an “intermediary chiefdom” by the colonial power at the beginning of the 20th century, had gained a remarkable power position through the mediation of violent conflicts and through alliances with armed militias during the so-called Tuareg rebellion of the 1990s⁵⁴. The concepts of “para-state” and “para-sovereignty”

⁵³ B. Lecocq, G. Mann, B. Whitehouse, D. Badi, L. Pelckmans, N. Belalimat, B. Hall, W. Lacher, “One hippopotamus and eight blind analysts: a multivocal analysis of the 2012 political crisis in the divided Republic of Mali,” *Review of African Political Economy*, DOI:10.1080/03056244.2013.799063 [pdf]

⁵⁴ K. Beck, „Stämme im Schatten des Staats: Zur Entstehung administrativer Häuptlingstümer im nördlichen Sudan,“ *Sociologus*, Jahrgang 39, Heft 1 (1989): 19-35; T. v. Trotha, *Koloniale Herrschaft. Zur soziologischen Theorie der Staatsentstehung*

deal with the institutional and the legal side of this specific kind of intermediary rule. In this type of rule, social power foci and relevant non-governmental groups have taken over parts of the rights of sovereignty of the central authority or core duties of state administration. The transfer of power and duties is not provided by the constitution. Processes of handing over sovereign rights and state administrative duties are procedures of expropriation occurring by means of “informal decentralization” and “privatization”. Expropriation is typically carried out by groups in direct competition with the state.

Today, politics in Mali in general and in Northern Mali in particular have become even more heterogeneous. The complexity of the political field seems to pose huge challenges to political analysis⁵⁵. A large number of militias of various kinds and orientation fight on the ground, often in fast shifting alliances among them or with outer power groups for different objectives that likewise may change quickly as well. There is the ethno-regional MNLA [Mouvement National pour la Libération de l’Azawad]; the religious-ethno-regional HCUA [Haut Conseil pour l’Unité de l’Azawad]; the religious-regional MUJAO [Mouvement pour le Jihad et l’Unité en Afrique de l’Ouest]; the global-religious AQIM [Al-Qaeda in the Islamic Maghreb]; the ethno-religious Ansar Din [Helpers of the Religion]; the tribal GATIA [Groupe Autodéfense Touareg Imghad et Alliés]; the ethno-regional MAA [Mouvement Arabe de l’Azawad]; the ethno-regional Ganda Koy and Ganda Izo [Sons of the Land], plus various, mostly ephemeral, splinter-groups that fight each another, secure (short-lived) alliances, or fight on behalf of/against the Malian state or foreign power

am Beispiel des “Schutzgebietes Togo”, Mohr, Tübingen, 1994; G. Klute, Tuareg-Aufstand in der Wüste. Ein Beitrag zur Anthropologie der Gewalt und des Krieges, Köppe, Köln, 2013.

⁵⁵ M. Boås, L. E. Torheim, “The international intervention in Mali: “Desert blues” or a new beginning?”, *International Journal* 68(3) (2013): 417-423. [pdf]

groups like the French army or the UN mission MINUSMA (United Nations Multidimensional Integrated Stabilization Mission in Mali).

To sum up, the “intermediary concept of domination” of the para-state that emerged out of the Tuareg rebellion of the 1990s has given way to a heterarchical figuration that seems particularly pronounced in the North, but characterizes also the rest of the country.

Conclusion

We have tried to show that, despite notions of disorder and disintegration, a great deal of order is produced by local and regional political actors and power groups in northern Mali and Libya leading to heterarchical figurations with connectivities that transgress the territories of states. Heterarchical figurations distribute privileges and decision-making powers variably and fluidly. While domination and subordination tend to be stable in hierarchies, the roles and relative positions in heterarchies can be rapidly reversed. The emerging figurations are not in accordance with theoretical models of the evolution of political orders derived from European history, such as state governance, the rule of law, or democracy. Yet this does not mean that global models and ideas about democratic representation may not be integrated into theory and practice of politics on the local level. These processes are accompanied by a significant degree of uncertainty that is at times also bedevilled by violence. Historically, the “making of political orders” has seldom been a peaceful process, but was rather shaped by controversies, contradictions, severe antagonism, and not least by violence. Seemingly inevitable conflicts of opposing rationales and practices such as “tribe versus state” or “tradition versus modernity,” as modernization theorists imply, do not help us here. The processes we deal with may

lead to the end of the European model of the state in Africa, as the German sociologist Trutz von Trotha has argued⁵⁶; but they may also lead to new modes of political order in which local and non-state actors come to terms with central governments, albeit from a much stronger power position. Within this context, older and newer connectivities in the region will gain relevance, even if this will include the transformation of the postcolonial order. In any case, we have to accept that these questions will be answered predominantly by local actors in the context of local sovereignty, rather than by central governments, international interventions or development programs. This does not mean that the international level is meaningless. Only a genuine understanding of “the local”, however, can give an exact image of the real interactions between both spheres.

⁵⁶ T. v. Trotha, “Die Zukunft liegt in Afrika. Vom Zerfall des Staates, von der Vorherrschaft der konzentrischen Ordnung und vom Aufstieg der Parastaatlichkeit”, *Leviathan*, 28, 2 (2000): 253-279.

Part III

Understanding the Libya Crisis:
Dynamics and Prospects

Chapter V

Libya: the Deadlock in Reaching a Political Agreement and the Problems Posed by the Democratic Transition

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Introduction

This paper addresses the political crisis in Libya and the 2015 Libyan Political Agreement also known as the Skhirat agreement (Morocco). The objective is to show that this crisis is a profound one and caused by circumstances Libya has experienced since the beginning of this transition in 2011. The paper will also show that the Political Agreement addressed, in principle utopic and generous, will not result in the resolution of the crisis, nor can it guarantee conditions for the transition's success. On the contrary, it simply exacerbates matters and makes it unpredictable and uncertain.

The principle of establishing a dialogue between the parties in conflict is not in question. Effectively, it is crucial that Libyans should negotiate with one another. Nevertheless, the 2015 Political Agreement, the result of lengthy and gruelling discussions, cannot lead to a resolution of this crisis. Mahmoud Jibril, one of the historical leaders of the 2011 uprising and first president of the National Transition Council, recently said that he has never considered the Libyan Political Agreement as the solution to this crisis. In his opinion, "dialogue in its current form has lost its usefulness and must be rekindled with players having real importance in society." Effectively, the Agreement discussed here was signed by Libyans with

very little political influence, which is also one of the reasons for its fragility. Even more serious is the fact that the planned institutional mechanisms, which should also guarantee better transition conditions, are incoherent, ineffective and contain multiple contradictions that make efficient governance impossible during the transition period. It is therefore urgent to bring together the political players who matter in the country and amend the 2015 Agreement so that it becomes a useful tool, allowing a resolution of the crisis and ensuring the best possible conditions for a democratic transition. Should this crisis persist, the international community will have to review the entirety of the political process in a country experiencing serious instability.

1. The particularities of the Libyan transition

Transition through war

Indisputably, the events that took place between February and October 2011 profoundly affected Libyan society. Whatever one's opinion may be regards to the nature, causes and reasons for these events, they traumatised Libya and revealed the existence of centrifugal forces that have accelerated the country's disorganisation making the establishment of stability and the democratic transition less easy.

The overthrowing of Gheddafi's regime by force in March 2011 plunged the country into anarchy and transformed it into a hub for trafficking human beings with Europe as their destination. The war conducted by certain Western countries and NATO and in which France and Great Britain played the greatest roles, destroyed the embryonic Libyan state, thereby creating the conditions for Islamic State-Daesh to establish itself. Air raids had decimated the Libyan armed forces, creating a void quickly filled by armed militias of different

persuasions, especially in Tripoli and in the west of the country.

The Libyan transition sparked in 2011 is therefore a very particular case when compared to transition models analysed in literature.¹ It is the result of a war for democracy with multiple economic issues at stake,² conducted by NATO countries³ that imposed the transition. It is a characteristic that determines the process. Decisions made since 2011 and the efforts made, in particular by the United Nations, have not achieved the hoped-for results. The 2015 Political Agreement has not allowed the creation of conditions for resolving the crisis, and that is why we believe it is necessary to proceed with a critical assessment of this agreement and of the ensemble of the process of the UN's involvement in Libya.⁴

The transition formally began with the declaration of the “Liberation of Libya” on October 23rd, 2011, three days after Gheddafi's cruel death. Until the election of the National General Council on July 7th, 2012, the political process was established by the Constitutional Declaration of December 2011. However, serious problems arose when it came to appointing

¹ The concept of transition, in its conventional definition, outlines “the interval between one political regime and another” G. A. O'Donnell and P. C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*, Johns Hopkins University Press, Baltimore, 1986; N. Guilhot and P. S. Schmitter, “De la transition à la consolidation. Une lecture rétrospective des démocratisation studies”, *RFSP* 2000, 615-632 ; Renske Doorenspleet, *Democratic Transitions*, Lynne Rienner Publishers, 2005.

² Cf. M. Djaziri, “Libye : les enjeux économiques de la «guerre pour la démocratie», in the magazine *Moyen-Orient*, n° 12, October-December, 2011, pp. 78-83 ; see also M. Djaziri, «“Un tournant incertain et douloureux. La Libye après Kadhafi”, in *OASIS, Revue de la Fondation Internationale Oasis, Sociétés arabes, sociétés plurielle*, n° 14, December, 2011, pp. 44-49.

³ Cf. Moncef Djaziri, “La nouvelle stratégie de l'OTAN en Libye”, in *Afkar/Idées*, n° 51, autumn 2016, pp. 32-34.

⁴ Cf. M. Djaziri, “Libye : L'impasse de la médiation de l'UNITED NATIONS”, March 8th, 2016, <https://theconversation.com/libye-la-mediation-de-lUnitedNations-dans-limpasse-55734>

a prime minister. After multiple conflicts and obstructions, Ali Zeiden obtained a very weak majority and was appointed prime minister on November 14th, 2012. In compliance with the Constitutional Declaration, two months after the elections, the National General Council should have appointed a commission to draft the new constitution, but under pressure from the federalist movement, the National Transitional Council amended the Constitutional Declaration so that the commission appointed to draft the constitution, consisting of 60 members (20 for each historical region) would be elected directly by the people. This decision caused debates and conflict within the National General Council.

The first parliamentary elections in 2012

One of the factors that made the first transition almost impossible was the manner in which the first national assembly was elected and in particular the voting method chosen – a one round nominal ballot – when lists were instead needed in order to allow the emergence of political forces in a coherent manner. An analysis of the composition of the National General Congress shows a fragmentation of political representation (independents are strongly represented as well as Islamists and republicans) as well as a strong individualisation of the vote contributing to encourage free-rider behaviour, which has caused parliamentary instability. One example of this instability is the fact that Mustapha Abou Chagour, elected prime minister by the National General Congress on September 12th, 2012, was obliged to resign a few weeks later, on October 7th, 2012, in compliance with the National General Congress's own rules, after having his proposal for the composition of a government rejected twice.

On August 8th, 2012, following the first parliamentary elections on July 7th, 2012, the National Transitional Council handed power over to the newly elected assembly, the National General Congress. This marked the beginning of the first

transition after over forty years of dictatorship. A large majority of congress members, 120/200, were “independents” and 80 of them belonged to political parties with a weak political base.

Very quickly, serious political problems arose threatening to paralyse the work of this first assembly; in particular, opposition between Islamists and liberal republicans. There was also the re-emergence of the historical conflict between the east and the west, between Benghazi and Tripoli. Another divergence concerned the definition of the political system to be adopted. The Islamists wanted a parliamentary system while the republicans defended the idea of a presidential system. This opposition has been one of the factors of this chronic crisis. To that one must add the resurgence of conflict concerning the state's organisation. In Tripoli people are in favour of a united and centralised state while those in Cyrenaica defend the principle of a federal state.

The controversial 2014 elections of the House of Representatives

On June 25th, 2014, when the National General Congress' mandate expired, new parliamentary elections were held to elect a House of Representatives. Following these elections, in which turnout was very low at 18%, clashes broke out in Benghazi and in Tripoli forcing the House of Representatives to set up in Tobruk instead of Tripoli. Certain members of the National General Congress opposed the legitimacy of this newly elected House, reinstating the National General Congress in Tripoli as a rival authority. Since 2014, Libya has found itself with two parliaments, two prime ministers and two governments.

The June 2014 general election that was supposed to bring stability to Libya did not effectively solve any problems. Even worse, these elections aggravated the crisis. The minority Islamists in parliament immediately questioned the legitimacy of newly-elected Prime Minister Abdallah Thini. Following multiple clashes with the republicans opposing the Islamists, as

well terrorist threats posed by the armed militias of *Fajr Libya (Libya Dawn)* and despite the opposition of certain members of the National General Congress, the new prime minister and the elected parliament decided to establish themselves in Tobruk (in eastern Libya). This marked the beginning of the situation involving the two seats of power that the country is currently experiencing; a government and a parliament in Tobruk that is legitimate and recognised by the international community and the United Nations as of August 5th, 2014, and an second government and parliament in Tripoli, not recognised but protected and also challenged by the armed militias. It is under such conditions that the United Nations has become involved in mediation aimed at resolving the Libyan crisis.

2. The role played by the UN in the Libyan transition

One must firstly bear in mind that since March 2011, the UNmission in Libya has on various occasions changed its objective as the situation in the country has evolved. Following the outbreak of the March 2011 uprisings, the UN's objective, as described by Secretary General Ban Ki-Moon, was the reinstatement of the rule of law, the strengthening of national institutions, the protection of human rights and restoring the economy. Very soon the mission's objectives evolved due to the deterioration of the security situation, the country's breakdown and the emergence of armed militias.

The UN's mission was once again redefined when on October 12th Tarek Mitri replaced Ian Martin as Special Representative. It was no longer a case of supporting the political process and supervising technical aid provided to the justice system and the police. At the time there was talk of historic change that the new Special Representative wanted to support without meddling excessively in Libyan affairs so as not to

annoy the National Transitional Council. Security problems, the armed threat posed by insurgents and the rising role of the Islamists led the United Nations mission to redefine its role and appoint a new representative to replace Tarik Mitri.

The arrival of a new UN Special Representative, Bernardino León, was accompanied by a redefinition of the Spanish diplomat's role in a context that marked the beginning of a civil war between various armed militias and those in power. The establishment of a ceasefire became a condition for relaunching the political process. Following a number of visits to Libya, the UN's Special Representative decided at the beginning of September 2014 to embark on an attempt to establish an inter-Libyan dialogue on the basis of a minimal agenda, summarised as respect for the institutions elected, human rights and a rejection of terrorism. The order of business for this dialogue was initially aimed at establishing the conditions for an official transfer of power between the National General Council and the House of Representative, as well as the elected and recognised parliament's return to Tripoli. This meant establishing a dialogue and trust between the belligerent parties to resolve the country's critical problems. One must admit that this attempt was a failure as the lack of security did not allow parliament to leave Tobruk and return to Tripoli.

Since the beginning of his mission on August 31st, 2014, the UN's Special Representative Bernardino León considered dialogue as the only way of salvation for Libya, a perspective shared by most Western countries as well as Algeria, which defended the position according to which a political process remains the only way of resolving the Libyan crisis and this through a dialogue excluding no one. León was committed to ensure that the parties in conflict would speak to one another in order to achieve a ceasefire between the armed militias. In his report to the United Nations Security Council on September 15th, 2014, León said, "Three years following the

fall of the former regime, the Libyan people find themselves nowhere closer to realizing their hopes and aspirations for a better future and for a State that safeguards their safety and security. Accordingly, many Libyans are deeply disillusioned with their country's democratic transition." Reassuring that the UN would remain loyal to its mission in Libya and continue to explain to all Libyans the need to quickly overcome their differences through dialogue, the UN Special Representative added, "I believe that is the only way to spare the country further chaos and violence, and to prevent it becoming a magnet for extremist and terrorist groups."

On September 30th, 2014, the UN's Special Representative gathered in Ghadamès (south-west of Tripoli) the rival factions, basically the Tripoli-based Islamists of *Fajr Libya* and the republicans from the House of Representatives in Tobruk, with the objective of making them talk to one another. On this occasion, Bernardino León paid tribute to the importance of this first dialogue attempted in order to try and put an end to institutional anarchy in the country. He believed at the time that there was no military solution to this crisis and that only dialogue would allow then to achieve a favourable solution to the chaos engulfing the country. However, in spite of his optimism, this first meeting was yet another failure due to the Islamists' refusal to recognise the internationally recognised House of Representatives.

It is undisputable that Bernardino León, who played a key role in drafting the 2015 Agreement, made significant efforts and showed great diplomacy and patience in trying to ensure a dialogue was established between the parties in conflict and reduce differences, with the objective of reaching a peaceful outcome. In spite of all his efforts, the Spanish diplomat only very partially managed to succeed in this very difficult mission. From the very beginning, León worked as if the two powers in Tripoli and in Tobruk were equally legitimate and

could therefore demand to share power in a new government. There was, therefore, an incorrect understanding of the state of power relations in the country. It was perhaps a mistake to consider the *Fajr Libya* Islamists as having an equal interest in reconciliation as the republicans in government in Tobruk.

The United Nations' current Special Representative, Martin Kobler, followed the same path as his predecessor, while becoming even more involved in the political process. This is currently causing him legitimacy problems in the eyes of an increasingly important part of elites in the east of the country as well as in Tripoli. Quite a few members of the House of Representative have asked for him to be replaced by a more neutral and determined representative.

3. The Skhirat Political Agreement: an unsuitable tool for managing the crisis and a successful transition

The United Nations and the Political Agreement

On January 14th, 2015, representatives of various sectors of Libyan society, members of parliament, of municipalities and associations, gathered in Geneva for two days of new talks. On this occasion, they launched an appeal asking for an end to all violence. According to statements by the United Nations Support Mission in Libya, released on January 16th, 2015, the participants expressed "their unequivocal commitment to a united and democratic Libya governed by the rule of law and respect for human rights. The participants agreed, after extensive deliberation, on an agenda that includes reaching a political agreement to form a consensual government of national accord and the necessary security arrangements to end the fighting and secure the phased withdrawal of armed groups from all Libyan cities to allow the State to assert its authority over the country's vital facilities." But was once again it failed

due to the Islamists and Tripoli-based militias refusal to take part in this round of negotiations.

In February 2015, a new round of talks was held. Following unsuccessful mediation in Algiers, a new round of talks was hosted in Skhirat, Morocco. The Libyans intended to pursue negotiations already started under the aegis of the United Nations Support Mission in Ghadamès and in Geneva. After numerous negotiations and talks, the two parties in conflict accepted this new negotiation attempt. The objective was clearly stated. It consisted in reaching a political agreement on a national unity government. The Political Agreement was above all an outcome wanted by the United Nations and the European Union. According to the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, this crisis in Libya could have dramatic consequences for the whole of Europe. In her opinion, Libyan political dialogue, facilitated by the UN, had to achieve the objective of stopping the free fall of the country supported and put an end to the institutional void creating a fertile breeding ground for terrorist groups such as Daesh. After three draft projects had been rejected by one or the other party, the United Nations Special Representative seemed to have reached a consensus on a fourth version that all parties involved seemed to agree on. On July 11th, 2015, the parties involved agreed on a fifth version and in Skhirat, Morocco, signed the Peace and Reconciliation Agreement at the end of many months of negotiations held under the aegis of the United Nations. Complex in its form and with a sophisticated concept and structure, the final agreement envisages that the House of Representatives should remain in Tobruk, the creation of a High Council of State, the formation of a Government of National Accord and the organisation of elections within one year. It was aimed at putting an end to the dual power situation (one in Tripoli and the other in Tobruk) that has lasted since June 2014. In

truth, not only did this Agreement not resolve any issues, it instead aggravated and exacerbated conflict. The idea of this Agreement and the institutional organisations it was to set in place make it difficult to apply.

4. The Political Agreement and the Problems in Implementing it

a. Representativeness of Members of the Dialogue is Questioned

One of the problems in the overall process of this dialogue was the fact that the signatories of the agreement on the Libyan side, those later supposed to implement the process and follow it to completion, were not always the same people and their signatures had no practical repercussions to the extent that they only represented themselves. The introduction of the Political Agreement states that “representatives from throughout the country came together to negotiate this agreement”, which also poses a first problem linked to the failure of the political dialogue. The problem lies in the representativeness of these “representatives”. Who did they represent? How were they appointed and through which procedures? What mandate did they have? And were they all “representatives”? There are many questions that remain unanswered. We know that there were delegates sent by the National General Congress in Tripoli and others from the House of Representatives in Tobruk, but there were also “representatives of political parties” as well as “representatives” of civil society admitted by the UNSMIL.

b. Lack of hierarchization of the objectives

The second point that causes problems in the introduction to the Political Agreement is the statement according to which “the representatives” of the different Libyan regions met to negotiate an agreement to “build a democratic civil state through national consensus.” The problem posed is the issue

concerning the Agreement’s objective. Was the objective that of bringing peace and security as the preamble for democratisation or should one consider that democracy itself would bring peace and security? In other words, there is no hierarchization of the objectives to be achieved nor any distinction between the long term, the medium term and the short term.

The introduction also states that the implementation of the Political Agreement, based on four principles; “ensuring the democratic rights of the Libyan people, the need for a consensual government based on the principle of the separation of powers, oversight and balance between them, as well as the need to empower state institutions like the Government of National Accord so that they can address the serious challenges ahead, respect for the Libyan judiciary and its independence. The implementation of this agreement in good faith will provide the tools needed to address the challenges of fighting terrorism, reforming and building state institutions, stimulating economic growth, confronting the phenomenon of illegal migration and consolidating the rule of law and human rights throughout the country.”

c. Vague structure, confusion of powers and lack of leadership

Another weakness in the 2015 Political Agreement is that there is not a very precise hierarchy of power. The source of the executive power’s legitimacy is not very clear. We do not know from where executive power arises and what its source is. Article 9 states that, “The Council of Ministers shall exercise the executive authority and ensure normal functioning of public state institutions and structures. [...] Prepares the draft general budget and balance sheet of the State.” However, the agreement also states that the President of the Presidency Council of the Council of Ministers and is therefore prime minister, a position he adds to that of President of the Presidency Council, a position that is the equivalent of that of a head of state.

Article 8 of the Political Agreement specifies the responsibilities of the President of the Presidency Council. “Terms of Reference of the President of the Presidency Council of the Council of Ministers. Represent the State in its foreign relations. Accredite representatives of states and foreign bodies in Libya. Supervise the work of the Council of Ministers, and guide the Council of Ministers with regards to the performance of its terms of reference as well as preside over its meetings. Terms of Reference of the Presidency Council of the Council of Ministers: a. Assume the functions of the Supreme Commander of the Libyan army (a position opposed by the House of Representatives in Tobruk), [...] c. Appointment and dismissal of ambassadors and representatives of Libya.” etc. The Head of State is also the head of government, which poses problems as far as the separation of powers is concerned in the case of members of a parliamentary system. It is the President of the Presidency Council and members of the aforementioned council who are called upon to form a government and present the list to the House of Representatives, which may or may not grant a vote of confidence.

In the power hierarchy, the Presidency Council (a collegial and overcrowded body) and its president, as well as the government, rank below the House of Representatives (Articles 2 to 11). On the other hand, the existence of a president and four vice-presidents, as well as other members of the Presidency Council, make this body ineffective and inoperative. This is one of the criticisms expressed by opponents who reject the Political Agreement.

From a legislative perspective, the 2015 Political Agreement stipulates that the House of Representatives is “the legislative authority of the State, during the transitional period” (Article 12). This House must also grant a vote of confidence or no confidence to the government of national accord. It adopts the general budget performing oversight over the executive

authority (Article 13). It shall appoint (after consulting with the State Council) the Governor of the Central Bank of Libya, the Public Prosecutor and the Head of the Supreme Court (Article 15). The term of the House of Representatives shall continue until convening of the first session of the legislative authority as per the Libyan constitution (Article 18). Effectively, one does not know whether one is within the framework of a parliamentary system, a presidential system or a mixed one.

d. The High Council of State is an aggravating factor in this crisis
Another aspect that makes the Political Agreement difficult to implement is the creation of the High Council of State. Even if Article 19 of the Political Agreement stipulates that this is the highest Consultative Assembly of the State, the creation of this High Council of State, and the prerogatives attributed to it, converge towards bicameralism. This bicameralism, both in itself and in the absolute, is a good criterion for democratic institutions. Effectively, great democracies all have more or less “balanced” bicameral systems. At the same time, however, this envisages consensual, peaceful and stable democracies. In the Libyan case, society is far from being peaceful and consensus is non-existent among the political elites of the East and the West of the country. In this sense, the creation of a High Council of State, which is part of the bicameralism, complicates further the democratic transition process rather than facilitating it.

The creation of the High Council of State answered the need to find a solution for the General National Congress that was no longer legitimate following the election of the House of Representatives in June 2014. Instead of decreeing the end of the Tripoli assembly, those who drafted the Political Agreement chose to overcome the issue by creating the High Council of State, which is nothing but a legacy of the General National Congress. Once again, an institution was created not in virtue of a political or theoretical principle, but so as to resolve a practical

problem and by wishing to resolve this problem another was effectively created without resolving the first one.

On this point, the current UN Special Representative Martin Kobler played a very active role that went beyond his strictly supportive mission. On February 27th, 2016, a preliminary committee of 40 members of the General National Congress met with support and encouragement provided by Martin Kobler who attended the meeting. On April 5th, 2016, 94 of the 200 members of the General National Congress decided to hold a session and amend the 2011 Constitutional Declaration in order to integrate into it the Political Agreement, while declaring the dissolution of the General National Congress and the birth of the High Council of State. They then elected Abdulrahman Sawahili as its president. On April 12th, 2016, the High Council of State ordered all Libyan institutions to cease all relations with the General National Congress. Nonetheless, that same day the General National Congress met in Tripoli and rejected the creation of the High Council of State while declaring that only the national unity government was legitimate and that the General National Congress was legitimate as well as being Libya's only legislative authority. It was therefore a mistake to have thought of and created this second House, the creation of which should have first envisaged a solution to the problem of the General National Congress in Tripoli, replaced in 2014 by the House of Representatives in Tobruk.

Another example of the High Council of State exceeding its competency, which illustrates the mistake made in the Political Agreement, is the fact that on September 22nd, 2016, the High Council of State proclaimed itself the highest legislative authority in the country, which exacerbated the political crisis even more. The intention was to effectively replace the General National Congress (a parliament elected between 2012 and 2014), which had become illegitimate following the election of the House of Representatives, with a High Council of State, the

attributions and competences of which have not been outlined and established. Hence, Article 19 stipulates that the High Council of State “shall be the highest consultative Assembly of the State” and shall carry out its work independently according to the Constitutional Declaration. How can a consultative authority be independent and only be in compliance with the Constitutional Declaration?

The Agreement established that the House of Representatives in Tobruk must consult with the High Council of State in Tripoli on all important decisions. This applies in particular to the appointment of the Governor of the Central Bank, the Head of the Audit Bureau, the Head of the Administrative Oversight Authority, the Head of the Anti-Corruption Authority, the Head of the Supreme Court and the Public Prosecutor. In all the aforementioned cases the House of Representatives must consult and reach a consensus within 30 days. The House of Representatives must equally confer with the High Council of State to obtain approval for members of government (Article 3). The same applies in the event of the prime minister resigning or the position becoming vacant. In this case, the House of Representatives must confer with the High Council of State to reach consensus on the person chosen to replace him (Article 4). It is, however, also specified that it is the House of Representatives that must endorse the new nomination (Article 4). The same applies to the replacement of one or more deputy prime ministers. Once again, the House of Representatives must confer with the High Council of State to reach consensus, even if the vote of confidence returns to the House of Representatives (Article 5).

In the event of a very hypothetical approval of the Political Agreement by the House of Representatives, one can envisage that consensual appointments of the Governor of the Central Bank as well as those of the president and members of the High National Electoral Commission, the Head of the Audit Bureau, the Director of the Audits, the Head of the Administrative

Oversight Authority, the president of the Supreme Court or the State Prosecutor, would inevitably pose serious problems and become the source of never-ending conflict and a paralysis of the institutions. These current and future problems arise from having attributed to the High Council of State competences that go beyond its consultative function. On this subject in fact, Article 15 stipulates that the two institutions “must reach consensus” on the appointment of these various heads of departments. The notion of consensus *de facto* necessarily implies an equality of power between the two Houses, which is the case in “balanced bicameralism” enforced in the Swiss political system, in the German political system and in that of the United States. In the case involving the Political Agreement, there is therefore a contradiction between the consultative role and the obligation to confer and reach consensus which, should the Agreement be applied, would make Libya a “balanced” bicameral system.

On this subject, one must bear in mind that what is at stake is not the creation of a second House with a consultative role, but rather the vagueness of competences attributed to it by the Political Agreement and the fact that they pose serious problems and are an additional source of conflict and paralysis. It would have been better to devise a strictly consultative second House consisting of the representatives of the more important tribes, the representatives of various economic organisations and association, along the lines of the French political system’s Economic and Social Council. Such a strictly consultative House could play an important role in the preparation and legitimisations of decisions as far as the population is concerned. The creation of such a Chamber would require a rewriting of the Political Agreement.

The problems in constitutionalising the Political Agreement

The Agreement envisages that the House of Representatives must integrate the document in the constitutional corpus in order for it to become a fundamental text with the same status as the Constitutional Proclamation of December 2011. If things have not progressed as expected and there has still not been a vote on the adoption of this Agreement, it is because it poses a series of problems involving coherence with the Constitutional Proclamation, which remains the only document currently governing Libyan institutions. The Political Agreement sets out political principles of which some contradict the Constitutional Proclamation founding the Libyan transition. There again, there is the need for a hierarchization that presupposes changes to the Agreement to make it coherent with the Constitutional Proclamation. On the other hand, the institutional vagueness contained in the Agreement provides another reason for which it has not yet been approved and therefore legitimised by the House of Representatives.

The UNSMIL and the Libyan crisis

The procrastinations and improvisations of UN representatives in Libya have not really contributed to resolving the crisis. The failure of negotiations and of this Political Agreement is partially to be blamed on them. The decisions and various reversals and abrupt changes of position have not contributed to making the UN’s mission in Libya effective and successful. The various representatives who have succeeded one another at the head of the UN Mission in Libya have not truly taken on board the real extent of the Libyan crisis, which is more than just a democratic transition crisis. They have not fully appreciated the problems of the aforementioned transition, which is of a very particular kind compared to other known and studied transitions. They truly and perhaps a little naively believed that the example set by nearby Tunisia could be

used as a model. They believed they could be inspired by it to implement mechanisms that would lead to stabilisation and a successful transition in Libya. In reality, the Libyan crisis is far more serious than just a democratic transition issue. One forgets that the transition process follows general rules that must however take into account the historical situation of each country. Libya is not Tunisia and what worked there does not apply to another country, even a neighbouring one.

The United Nations mediation has currently reached an impasse. Every day, Martin Kobler discovers at his own expense that events in Libya are not evolving as expected. The Libyan reality is far more complex than perceived by the current UN Special Representative in Libya. This requires on his part a less idealistic and more realistic vision. Problems should have been hierarchized and a gradual agenda established, taking into account the social and historical burdens in this country. Instead, wide-ranging objectives were established with the very negative outcome the country is now experiencing.

The various United Nations Special Representatives who have succeeded one another since February 2011 did not take into account a correct assessment of the difficulties in this transition and believed it would be sufficient to be optimistic and show good will to institute a democracy in Libya, without first bringing peace to society, disarming the militias and resolving economic and social problems. It is the solution of these problems that will allow a successful transition, not the opposite. In other words, an agenda involving the reconstruction of the state and its institutions, destroyed in 2011, was needed, before envisaging a democratic transition. A different path was followed, hence the current impasse and the need to rethink the overall process of the international community's involvement.

Conclusions

Four United Nations Special Representatives have succeeded one another in Libya since 2011 and yet the situation is far more serious than it was in March 2011, also at an economic, health and security level. The international community should therefore duly note that the dialogue is at an impasse. The international community will have to rethink the UN's involvement in Libya starting on new premises. Sooner or later, using a stabilisation force, the international community will have to impose the reconstruction of the state starting with the heart of power in Tobruk, helping to secure the oil wells and ports and control the Mediterranean coast that is a threat to Europe.

Of course a political dialogue among Libyans is indispensable. Pacification must, however, be its primary objective alongside the country's pacification, relaunching the economy and society's revitalisation. This dialogue must be open, inclusive and honest. This dialogue must also involve key politicians, the army, the representatives of the country's regions as well as the tribes, at least the most important ones. In its current form, the 2015 Political Agreement and the government of national accord that resulted from it are not the appropriate tools for resolving the crisis and ensuring the success of the democratic transition.

The international community, the Western powers and the United Nations continue to consider the 2015 Political Agreement as the only solution for resolving the crisis. Daily events and violence in Libya indicate that the crisis is becoming increasingly serious and that rejection of the Agreement is increasing and conflicting with the apparent unanimity surrounding the Agreement, which has been re-legitimised by the United Nations Secretary General. In his most recent report to the Security Council, Secretary General Ban Ki-Moon, stated that the Libyan Political Agreement and the government of national unity remain the appropriate framework for a

democratic transition. They are, in his opinion, the only chance Libyans have to resolve their differences and lay the foundations for inclusive democratic governance.⁵

Nonetheless, Ban Ki-Moon is under no illusions, since in the same report he outlined a very negative assessment of the deteriorating situation in Libya and said that, “The window of opportunity that the Libyan Political Agreement has created is closing rapidly. For the country to forge a path forward, Libyan actors must pursue national reconciliation in earnest.” He expressed his profound concern for the slowness with which the Agreement is being implemented and the economic and security deterioration in the country. The Secretary General estimated that in the event of a failure of the efforts made, the international community will have to reconsider its approach to the democratic transition process in Libya.⁶ The United Nations Secretary General therefore believes there is a possibility that the Agreement may fail and that there is a need to rethink the entire process. In a sense it is the admission of the need to rewrite the 2015 Political Agreement that Martin Kobler himself considered as not being set in stone (“The Political Agreement and its articles are not set in stone”).⁷

Recommendations

1. The Libyan political crisis is far deeper and more serious than a simple transition crisis. It is a crisis involving the mutation of society and of the state. Hence the question now

⁵ United Nations, *Security Council Report of the Secretary-General on the United Nations Support Mission in Libya*, 1 December 2016, S/2016/1011.

⁶ United Nations, *Security Council Report of the Secretary-General on the United Nations Support Mission in Libya*, 1 December 2016, S/2016/1011.

⁷ “Kobler tells UN Libyan Political Agreement is ‘not written in stone’”, by Libyan Herald Reporters, December 6th, 2016, <https://www.libyaherald.com/2016/12/06/kobler-tells-un-libyan-political-agreement-not-written-in-stone/>

posed with great seriousness consists in discovering whether or not the Libyans still wish to live together in a sovereign country and within the framework of an internationally recognised state, even if this means redefining its centralised or federal institutions.

2. In a society that remains largely tribal, the social and political importance of the tribes is underestimated. Their capacity to guarantee a degree of peacefulness in social relations while securing the territory has not been taken into account and not integrated in the political process. Their ability to mediate has been underestimated and under exploited.⁸

3. Considering the impasse, which has simply worsened the political crisis, it has become more than urgent to rethink the Political Agreement and restart on new foundations, because, in this state, the Skhirat Agreement is not a viable solution for allowing Libya to overcome the crisis. There is the need for a new inter-Libyan agreement that must be drafted by local powers with no foreign interference.

4. All forced passages aimed at imposing the Skhirat Agreement and the National Unity Government can only cause the current crisis to deteriorate even further. In this perspective, the proposal supported by Martin Kobler for the creation of a presidential guard “to protect the state’s institutions and the embassies”, rejected by the powers in Tobruk, risks creating a situation of civil war between this presidential guard in Tripoli and the Libyan army in the East.

5. It is urgent that Libya be equipped with a Government of National Unity, the composition of which should be debated in advance by the representatives of the East, West and South. This government must be recognised within the country before being approved by the international community.

⁸ Cf. Peter Cole with Fiona Mangan, *Tribes, Security, and Peace in Libya Today*, United States Institute of Peace, 2015: 36.

6. In addition to the House of Representatives, which must remain the only legislative power during the transition period, there is the need to create a strictly consultative second Chamber composed of the representatives of tribes and social-professional organisations. This Chamber must assist the government in making good decisions and act as a go-between and interface with society. The current High Council of State could fulfil this role, by way of an in-depth modification of the current political agreements and a redefinition of the High Council's competences.

7. Taking into account the hotbeds of tension and the rise in the risk of disintegration, and given the failure of the United Nations Mission in Libya, real mediation under the aegis of the international community is needed in order to avoid the situation evolving into a real civil war for which many of the ingredients are already present.

8. Given the failure of the United Nations Mission in Libya and bearing in mind Martin Kobler's lack of credibility and authority as he is criticised on a daily basis for his activism and excessive involvement in the process, the current Special Representative is no longer in a position to take action. The volte-faces, changes of position and his direct involvement in the process have weakened and destabilised him. He is no longer listened to and is therefore no longer the right man for the job. Under such conditions, a change is needed. There is the need for a new Special Representative who is trusted by both parties and capable of ensuring he is respected by adopting a more neutral attitude in the Libyan conflict.

9. There is another alternative to the Skhirat Political Agreement, that of a new inter-Libyan agreement. It is therefore a mistake to state, as Martin Kobler did in front of the United Nations Security Council on December 5th, 2016, that "The only alternative to the Libyan Political Agreement is chaos." It is the opposite of what is happening now, because Libya is already experiencing a situation of quasi-anarchy.

10. All new political solutions must directly involve Russia and China, without whose support no lasting political solution is viable.

Chapter VI

Libyan Political and Security Scenario after the Fall of IS

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In recent months, a number of events in Libya seem to be driving the country to a new stage of the crisis. The defeat of the Islamic State (IS) in Sirte (which in truth in some areas is still besieged); the American air strikes in aid of the Libyan forces guiding the military operation against IS; and the occupation by Gen. Khalifa Belqasim Haftar's troops of infrastructures in ports in central Libya where oil terminals are located, suggest the unfolding of possible new political scenarios in the country. Libya continues to be divided between a parliament (and executive) in Tobruk and a Presidential Council (headed by Fayeza Serraj) in Tripoli that is backed by the United Nations. Concretely, neither of them has real governing capacity, as they are both "hostages" of the militias that support them and control the territory: respectively those of General Haftar in Cyrenaica and the associated militias of Misurata and Tripoli in the West. In this fragmented political scenario, this chapter will try to analyze the reasons for the rise of Daesh in Libya.

Libya Post-IS? The Battle of Sirte

In the spring of 2015, the Islamic State had taken over a vast portion of territory in the Sirte area, corresponding to about 150 kilometers of coast in addition to the city of Sirte itself,

from Bu'ayrat al-Hasun to Bin Jawad. Until the summer of 2016, when militias of Tripolitania and in particular of Misurata intervened, IS had been able to control these territories, riding the wave of the fragmentation of Libyan forces. In Sirte, the rise of IS followed a trajectory in some ways similar to its Iraqi counterpart. The Iraqi government under Nuri al-Maliki had isolated broad portions of its Sunni population, to the point of spurring many tribes and leading exponents of the former regime to consider the movement led by Abu Bakr al-Baghdadi a lesser evil than a government viewed as corrupt and hostile.

Even though Libya does not have the same level of ethno-sectarian conflict as Iraq, it is not by chance that IS broadened its activity precisely in Sirte, the hometown of Muammar Gaddafi and a traditional reference point for the *Qaddafi* tribe. After the fall of the *ra'is*, the tribe was isolated and ostracized by the Tripoli government and accused by other militias of connivance with the earlier regime, which dealt it a heavy blow. So it appears that some of the younger members of the tribe espoused the IS cause for political rather than ideological reasons. Some of the Colonel's supporters were recycled amongst Islamic State forces. Although they were not outstanding figures in the Gaddafi regime or did not carry the same weight as the former Baath Party officials in the Syrian-Iraqi branch of IS, the contribution made by some of these Gaddafi followers seems to have made it possible for IS to consolidate its power in Sirte. It is also important to stress how an initial, pro-IS nucleus was created from a branch split off from the local Salafite organization, Ansar al-Sharia. Still, more important is the fact that in the weeks preceding the military action of the Misurata forces (May 2016), the relations between Gaddafi tribe members and IS forces had greatly deteriorated. Indeed, several tribe members were summarily executed.

The number of IS troops is often exaggerated by the media and by Libyans fighting the jihadist movement. Reliable sources

believe that, at the time of their maximum strength, there were some 4,000 to 5,000 fighters, many of which (about 80%) came from abroad, in particular from Tunisia. In combat with IS, the troops formally under Fayezi Serraj's Presidential Council lost 500 men¹. The defeat of the Islamic State in Sirte, which is almost taken for granted by now, will be a fundamental step in the fight against al-Baghdadi's organization in Libya, although it will probably not succeed in neutralizing its presence neither in the country nor in the broader North African region. It is likely that some of these fighters are moving southward into the Fezzan region and heading to Tunisia (from which, as stated, many of the militants have come). The line of combat inside Sirte between jihadi and Misurata forces has not closed all escape routes. It is quite probable that the group will attempt to re-organize as a terrorist organization, returning to develop destabilization strategies and attacks for focal areas.

Radicalization's genesis in Libya

For a better understanding of the rise of IS in Libya, it may be useful to analyse the radicalization's dynamics in the country. Thanks to the religious moderation of most Libyans, up to now the Islamic mainstream has been relatively "temperate" from a doctrinal point of view. The definition of Libyans as religiously moderate may appear debatable, considering the high numbers of Libyan jihadists that fought outside Libya. Under Qaddafi's regime, jihadism represented one of the few practical responses available to personal religious or political dissatisfaction with the existence of a strongly illiberal system

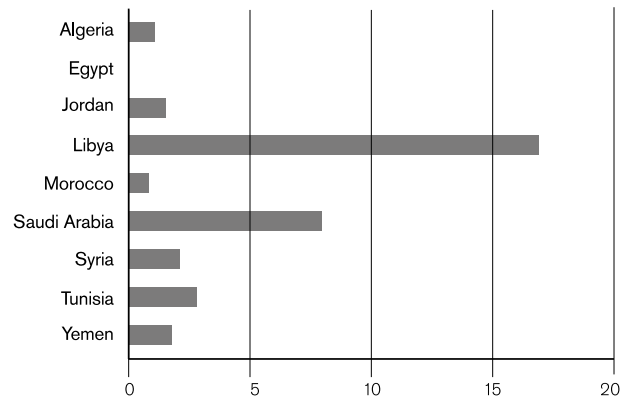
¹ Operation Al-Bunyan Al-Marsous, conducted by the Presidential Council under Prime Minister Fayezi al-Serraj and largely carried out by the Misurata brigades, was launched on 12 May 2016. In four months there were more than 530 deaths among the Misurata militias and more than 2500 wounded.

that prohibited activities by Islamist groups. In fact, global jihad outside Libya became a sort of substitute for Islamic activities within the country. This explains the high numbers of Libyan citizens (especially from Derna and Eastern Libya) amongst AQ groups or Salafi jihadist movements in Iraq and Afghanistan, where Libyan *mujahidin* form one of the most numerous national groups of foreign fighters.

It is interesting to note that this 'jihadist attitude' is linked more to a traditional way of expressing discontent and dissatisfaction with the domestic situation (rooted in the Qaddafi period) than to real theological extremism². As has been shown, it seems to be a sort of 'functional jihadism' more than a doctrinal one. However, there are indications that Libyan jihadists active in Afghanistan and Iraq – who have been exposed to the message and proselytism of Eastern movements such as the Deobands and the Tabligh al-Jamaat – represent a channel of diffusion for the ideas of these radical movements, strictly based on their dogmatic approach to Islamic orthodoxy. At the same time, their rigid approach to ritual personal purity and absolute adherence to a very strict interpretation of *sharia* principles may further radicalise their activism and their militancy. According to documents seized by US forces in Iraq, Libyans formed the second-largest group among seven hundred foreign fighters who joined the al-Qaeda offshoot Islamic State in Iraq (ISI) between August 2006 and August 2007. In relation to national population, the Libyans were first by a significant length. Even more telling were the cities they came from; more than half of them came from Derna (see Figure 1).

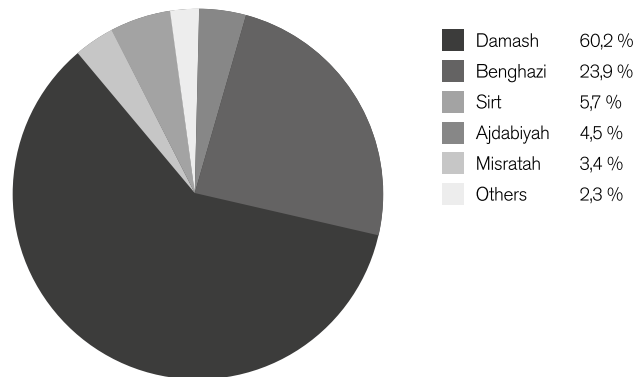
² S. M. Torelli and A. Varvelli, "New Trends in North African Jihadism, Ansar al-Sharia in Tunisia and Libya", in A. Plebani (ed.), *New (and Old) Patterns of Jihadism: Al-Qaida, the Islamic State and Beyond* (Milan: Istituto per gli Studi di Politica Internazionale, 2014), pp.51-59.

Number of Fighters per One Million Residents in Home Country



Libyan Fighters Home Town

Based on 88/112 Libyan Fighters' records with hometown information



Consequently, Libyan jihadists form the largest group per capita of foreign fighters supporting AQ and the other militias in Iraq and, most recently, Syria. The important role of returnees in expanding the jihadist network across the Middle East (and in Western countries, too) is well known and has been widely studied. Jihadists returning from the front line to their towns and tribes are generally afforded greater status as *mujabidin*. They are, therefore, in a position to radicalise their original environment, with extremist proselytism being the favoured method; to create new jihadist groups and cells; to carry out the training of new members and upgrade local militants' combat capability; and to enlarge extremist networks, with the diffusion of Salafi jihadist ideology, thus delegitimising traditional local authorities.

According to Wolfram Lacher³, in the last 20 years three successive generations of Libyan jihadists have been shaped by very different experiences and consequently responded differently to the possibilities opened up by Qaddafi's demise. The first generation began its formative experiences with the armed struggle in Afghanistan during the 1980s and 1990s. The second generation of Libyan jihadists was radicalised during imprisonment at Abu Salim prison or during the 2003 Iraqi war. Here they came into contact with what was then the most radical current in jihadism. During the 2011 revolution and after the fall of the regime, the third generation mobilized. Their radicalization largely occurred during the struggle against Qaddafi when they came in contact with the other two generations and with other revolutionaries. After the fall of Qaddafi, jihadists benefitted from relationships created during the revolution: for instance, many of them found places in 'parastatal' units inside the new Libyan administration.

Source: J. Felner and B. Fishman, *Al-Qa'ida's Foreign Fighters in Iraq: A First Look at the Sinjar Records*, Combating Terrorism Center at West Point, New York, 9 and 12; accessed at <http://library.uoregon.edu/ec/e-asia/reada/felner.pdf> on 14 May 2015.

³ W. Lacher, "Libya: A Jihadist Growth Market", G. Steinberg, A. Weber (eds.), "Jihadism in Africa. Local Causes, Regional Expansion, International Alliances". *SWP Research Paper 2015/RP 05*, June 2015.

A good example of this merger is Ansar al-Sharia, the group responsible for the murder of American ambassador Christopher Stevens in 2012. From its “birth” in 2011, Ansar al-Sharia has not been a merely terrorist group, but it also seems to strive to gain the population’s support through *da’wa*, or charitable works, and to replace the state in controlling territory, welfare and Libyan institutions, with the aim of becoming something very similar to Hamas in the occupied Palestinian territories or Hezbollah. Since the 11 September 2012 attack, for instance, Ansar al-Sharia has shown some openness and willingness to work within the boundaries of the state, trying to distance itself from accusations of being a member of al-Qa-eda’s network or even a mere cover name for it. Although thousands of people took to the streets in Benghazi after the September 11 attack to demand the removal of the radical militias and show solidarity with the US, it is also true that Islamist militants in Libya are perceived as legitimate actors thanks to the role they played in the revolution. These militias also have an important role in territorial control and the provision of security in the power vacuum created by the collapse of the regime. During the post-Qaddafi period, the Libyan governments utilized many of them as part of security forces, even if they were acting and operating quite independently⁴.

Between 2012 and 2014, Ansar al-Sharia groups expanded their activities in Derna, Bengasi, Ajdabiya and Sirte. Although the relationship between IS branches in Libya and Ansar al-Sharia is very controversial, the dividing line between them was progressively seen as fluid. Both Ansar al-Sharia and its various allied militias, especially those with younger members, appeared to admire the rise of IS in Iraq and Syria, creating ideal conditions for its diffusion in Libya. Between 2014 and 2015, parts of Ansar al-Sharia joined forces with returnee

⁴ S. M. Torelli and A. Varvelli, “New Trends in North African Jihadism”. Cit.

jihadists to work under the flag of the Islamic State, especially in Sirte and Benghazi. Elsewhere it continued to exist as an autonomous group.

The first attempt of Daesh in Derna

In Cyrenaica and Derna, a city of 80,000 on the Mediterranean coast, radicalization has become well established over the past decade. The Syrian/Iraq campaign has significantly boosted it, creating a wave of veteran fighters that is having a disastrous effect on the security situation in Libya. In October 2014, a local jihadist group, the Islamic Youth Shura Council (Shabaab al-Islam), claimed Derna in the name of IS, thus showing IS’ ability to break with traditional notions of territorial contiguity by creating an enclave outside of its ‘borders’ in Syria and Iraq. The Islamic Youth Shura Council was composed of elements of Ansar al-Sharia’s Derna branch and several other militias: the Rafallah Sahati Brigade; the February 17th Martyrs Brigade; The Shield of Libya; and Jaish al-Mujahidin. IS’ leadership accepted the proclamation a few weeks later and formally annexed the city. This seems to be the result of an expansion plan formulated in Syria and Iraq: Abu Bakr al-Baghdadi’s first militants arrived in Libya in the spring of 2014, when the men of the al-Battar Brigade, composed entirely of Libyan volunteers, began returning from the war in Syria and Iraq. In Libya, the brigade was composed of three hundred jihadists who had previously been deployed in Deir Ezzor (Syria) and Mosul (Iraq). The Derna branch of IS was composed of about eight hundred fighters and operated in half a dozen camps on the outskirts of the town, having larger facilities in the nearby mountains as well⁵.

⁵ According to N. Benotman, a former Libyan jihadist terrorism analyst at the

In September 2014, aiming to help the al-Battar Brigade, al-Baghdadi send to Derna one of his senior aides, Abu Nabil al-Anbari, an Iraqi veteran⁶. The city had an autonomous administrative organisation governed by a little-known Saudi (or Yemeni) preacher, Mohammed Abdullah, whose *nom de guerre* is Abu al-Baraa el-Azdi. Like many militiamen who founded the ‘Province of Cyrenaica’ (*Wilayat of Barqa*), al-Anbari and el-Azdi fought in Syria. Derna has become the major new hub where fighters from North Africa, primarily Tunisia, are recruited. Out of the at least three thousand Tunisians who have joined IS, many have found protection in Libya⁷.

However, under the name of the Mujahidin Shura Council (MSC), local Islamist militias, including the strong Abu Salim Martyrs’ Brigade, created a coalition in order to confront and defeat IS⁸. The Abu Salim Martyrs’ Brigade mainly consists of Libyan fighters and was formed during the revolution. Its stance and ideology are very clear: it wants to establish an Islamic government in a Libya ruled by Islamic law. The Brigade provides and secures fuel supplies, protects banks from robberies and was led by Abdel Hakim al-Hasidi and Salim Derby⁹. From a general point of view, the disputes between the groups are based, of course, upon ideological differences: “local

Quillam Foundation, interviewed by CNN. P. Cruickshank, N. Robertson, T. Lister and J. Karadshah, ‘IS comes to Libya’, CNN, 18 November 2014, accessed at <http://edition.cnn.com/2014/11/18/world/IS-libya/> on 14 May 2015.

⁶ Al-Anbari and al-Baghdadi met in a prison camp in Iraq prior to fighting together in the ranks of IS. *Ibid.*

⁷ UN Human Rights Office of the High Commissioner, “Preliminary findings by the United Nations Working Group on the use of mercenaries on its official visit to Tunisia – 1 to 8 July, 2015”, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16219&LangID=E>

⁸ N. Heras, “Libyan Islamist Militia Leader Salim Barrani Darbi Forms New Coalition in Derna”, *The Jamestown Foundation* (Washington, DC, December 2014), http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=43227&tx_ttnews%5BbackPid%5D=381&cHash=bd474a8d1e337146eb3e49c0286218df#_VL_H9SuG-Lg.

⁹ Derby was killed in fighting with IS militants in June 2015.

jihād” versus “global jihād”. The Abu Salim Martyrs’ Brigade is a local movement that seeks to establish an Islamic government in Libya, while the Shura Council of Islamic Youth in Derna is part of a global movement, “exogenous” to the Libyan tradition.¹⁰ In June 2015, Nasir Atiyah al-Akar, a prominent al-Qaeda-linked jihadist in the Mujahideen Shura Council was murdered. The assassination, claimed by IS, set off a round of fighting. The MSC assaulted Islamic State positions around the city: a few of the Islamic State’s key leaders in Derna were reportedly killed or captured. The two groups repeatedly clashed in the following months in disputes over power and resources. In July 2015, IS was driven out of a large part of Derna and, finally, in April 2016, definitively expelled from the area¹¹.

The International Community’s Intervention Against Daesh and the Support for Fayeze Serraj’s Government

In August 2016, for the first time since taking office, the Presidential Council headed by Fayeze Serraj (and recognized as a legitimate political body by the United Nations) formally requested the intervention of a third country in the Libyan conflict, asking for United States air-force support in military action against Daesh in Sirte. Libyan sources state that the operation was carried out only after the signing of an agreement that, among other things, ensured that any attack would be conducted only with the prior notification and consent of

¹⁰ The Maghrebi Note. “ISIS in Libya, the Origins of ISIS in Libya and Its Methodology”, February 2015, accessed at <https://themaghrebinote.files.wordpress.com/2015/03/isis-and-its-origins-in-libya-themaghrebinote.pdf> on 15 May 2015.

¹¹ A. Sehmer, “Libya: Islamic State forced out of Derna”, *Jamestown Foundation, Terrorism Monitor* Volume 14, Issue 9, 29 April 2016, http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=45373&tx_ttnews%5BbackPid%5D=7&cHash=b21308f2831251226bf6e563b15459d2#.VytE_oSLTct

Libyan authorities. In fact, an operation conducted by the United States in February 2016 – an air attack on Sabratha that killed two Serbian hostages – was strongly condemned by the government and parliament headquartered in Tobruk, precisely because it had not been agreed upon previously. From the political standpoint, the threat of IS in Libya contributed to a convergence of interests between the international community and local forces. Nevertheless, now that IS' danger seems to have been contained, international attention seems to be fading (despite the American intervention, which has been extended until the end of October) and efforts to keep the international community united in favour of Serraj's government are waning.

The Presidential Council is, indeed, characterized by a lack of efficiency and real capability to govern the country, in particular in the Tripolitania area. Although it gained the formal support of, or tacit tolerance from, a large part of the Tripolitania militias, Serraj's leadership seems to be progressively weakening in the face of the difficulties encountered in resolving the country's great economic and social problems. The country has been prevented from exploiting its main source of income, oil, which accounts for more than 95 percent of export revenues. Today, Libyan oil production is reaching only a fifth of its potential, according to the World Bank. The drop in production has cost the government more than \$68bn since 2013¹². The country is now running a major deficit, forcing the Central Bank to tap into its fast-depleting reserves. The government is unable to pay salaries on time or fund public investment, and limits on cash withdrawals from banks are being imposed.

The second appeal for aid, albeit limited, from Serraj's council, was to Italy in August 2016: the Libyan government

¹² <http://pubdocs.worldbank.org/en/282581475460786200/Libya-MEM-Fall-2016-ENG.pdf>

requested a hospital to treat the wounded hurt in combat with Presidential. Serraj formalized the request in a letter to Italian Prime Minister Matteo Renzi dated 8 August. The operation (named "Hippocrates") involves some 300 military personnel: 60 doctors and paramedics, 135 persons providing logistic support and vehicle maintenance, and 100 providing protection¹³. The mission is certainly no great help from the military standpoint – although various analysts have pointed out that concrete risks exist¹⁴ – but is highly symbolic from a political point of view. The decision is part of a sort of "medical diplomacy" strategy on the part of the Italian government. Deploying this contingent will have no great influence on the outcome of fighting but responds to two of Italy's diplomatic needs: on the one hand, it is intended to be a demonstration to international partners that Italy is present in this area and wants to actively defend its vital interests. On the other, it is aimed at providing concrete support and sending an important political signal to Libyan soldiers fighting IS, helping to politically back Serraj.

The war on the Islamic State – especially for Serraj's Presidential Council and the Misurata militias – has been exploited as an important promotional vehicle for the role of the future Government of National Accord. Serraj essentially succeeded in obtaining international support and coming out of isolation; with the battle for Sirte, he achieved global recognition for Libya's role in the fight against the Islamic State¹⁵. Nonetheless Serraj, caught between two different needs – to internally bring

¹³ Also participating in the mission is a C28J plane for possible evacuations and emergency transport and a ship already off the coasts of Libya in the Mare Sicuro (Safe Sea) context.

¹⁴ <http://www.analisidifesa.it/2016/09/trecento-militari-italiani-a-misurata-mentre-la-libia-torna-a-infiammarsi/>

¹⁵ A. Ricucci, "Libia: La presa di Sirte non è un atto militare ma politico" ("Taking Sirte is not a military but a political action"), ISPI Commentary 5 October 2016.

together Libyan forces of very different political extractions and local provenances, and to avoid fragmenting them through recourse to external (Western) aid that would be seen as excessive meddling – does not seem to have fully capitalized on this support, in either political or military terms. Progress in the fight against IS in Sirte was certainly quicker than the political efforts to unify the country under the GNA. In particular, in Tripolitania the balances between the militias and political forces look rather precarious: two *coup d'état* attempted by the former Prime Minister of the non-recognized government in Tripoli, Khalifa al-Ghwell, in October 2016 and in January 2017, showed how contrasting internal rifts may be the order of the day – for economic or political reasons – for the GNA¹⁶.

*General Haftar's forces and the process
of international political mediation*

Since instatement of the Serraj government, Haftar has been an obstacle to reunifying the country under the GNA, contributing to paralyze the Tobruk Parliament, the only one officially recognized by the international community. The Tobruk Parliament's recent rejection of Serraj's Presidential Council¹⁷ looked like the prelude to a new phase of conflict between the two hearts of the country. Haftar, basically, seems to be trying to create in the Eastern part of Libya a regime inspired by al-Sisi's Egypt. The progressive replacement of various mayors of Cyrenaica towns – the result of local elections in recent months – with

faithful military personnel, seems to be a clear strategy for full control of the region. In the Libyan chaos and in the weakness and fragmentation of central institutions, in fact, the municipalities had assumed an important role in the political transition process as legitimate representatives of local communities.

Leveraging over the fight against emerging radical groups, Khalifa Haftar was able to gain a legitimate political role in Libya. Haftar's narrative clearly builds on the often indiscriminate fight against "Islamists", trying to enter the slot of the international community's necessary war against the terrorism of the Islamic State and similar groups in the area. This has fostered a tactical convergence between radical militias and political Islamist forces of various types that, while lacking ideological affinities, felt openly threatened. On the other hand, Haftar appears capable of coagulating around himself the consensus of the population, fearful about a trend to extremism, especially in the city of Benghazi, and of countering the proselytism of the most radical groups. However, on the military plane he has not interested in crushing the Islamist forces, which instead have come closer together.

Conversely, in mid-September Haftar launched a very important military mission. The Libyan National Army (LNA, as per the ambitious definition the General himself gave to his own variegated military contingent) won control of the four oil ports in central Libya, occupying the oil terminals serving to export most of Libyan crude and removing the Petroleum Facility Guards without any big skirmishes. Haftar's goal does not seem to be that of a military escalation, since none of the armed forces involved seems able today to militarily overcome the others, but rather to exert blackmailing power on the entire political process. The control of oil resources in Libya serves indeed as a political weapon through which exerting influence over the Central Bank and the Libyan National Oil Company (LNOC). This is the key to read Haftar's declaration stating

¹⁶ Rhiannon Smith and Jason Pack, "Coup Attempt Could Complicate Libya's Fight Against ISIS", Tony Blair Faith Foundation, 24 October, <http://tonyblairfaithfoundation.org/religion-geopolitics/commentaries/opinion/coup-attempt-could-complicate-libyas-fight-against-isis>

¹⁷ <http://www.middleeasteye.net/news/libyas-tobruq-government-rejects-vote-confidence-un-backed-unity-government-1184491098>

that he had delivered infrastructure management to the LNOG, implicitly demonstrating that the occupation was benefitting “all Libyans”, as requested by Serraj. This clearly was a political victory for Haftar, who demands a revision of the power relations in the GNA and aims at undermining al-Serraj’s leadership. The General seems *de facto* to strive for a commanding role to be no longer localised in the Cyrenaica area only. In this regard, the inner ambiguity of the UN in leading the transition process, recognizing al-Serraj’s Presidential Council as the highest authority in the country while at the same time considering the Chamber of Representative in Tobruk as the only legislative authority, paved the way for the rise of Haftar. Indeed, repeatedly postponing the approval by the Tobruk parliament of Serraj’s government forced the international community to acknowledge the leader’s failure and to evaluate other options.

Haftar seems to have initially succeeded. The EU, for example, has officially asked Serraj to think about a more inclusive cabinet¹⁸, while the US and Italy – right from the Vienna conference in April 2016 – have been trying to be mediators in integrating Haftar’s forces into the structure of the future government. Nonetheless, the most important foreign actor in the Libyan crisis is still Egypt, which, backed by the United Arab Emirates, is still Haftar’s biggest supporter. Egypt has obvious strategic reasons to intervene in Libya. General Haftar engaged in the Egyptian battle against “Islamists” in the broadest sense, including forces linked to the Muslim Brotherhood, which the Cairo government accuses of being a terrorist organization. Egypt is particularly interested in influencing Cyrenaica, the most oil rich region in Libya, creating a sort of “buffer zone” against ISIS and a territorial hinterland to be free from any opposition to the regime in Cairo. It is easy

¹⁸ http://eeas.europa.eu/headquarters/headquarters-homepage/12077/statement-by-the-spokesperson-on-the-latest-developments-in-libya_en

to see that a part of the population (and not just in Cyrenaica), exasperated by the non-existence of a Libyan state, looks ever more benevolently on the General’s “pacifying” role. Thanks to internal and external support, Haftar clearly aims to play an increasingly important role, and to represent an alternative to al-Serraj. Egypt’s interest in influencing Cyrenaica and the ambiguity of France¹⁹ and Russia about supporting Haftar are contributing to creating an international context of informal support for Haftar’s cause and one certainly unfavourable to stipulating a compromise between the major parties involved. In this context, the mediation of the United Nations, guided by German diplomat Martin Kobler, seems rather ineffective and lacking any real bargaining power.

Conclusion

The Islamic State’s presence in Libya appears to be the product of two different drivers: on the one hand, a process of personal radicalization, deeply rooted in the traditional way of expressing discontent with the domestic situation in the Qaddafi period; on the other, the political marginalization of a part of Libya’s population in the post-revolutionary period. The city of Derna makes a good example for the first type of radicalization, while Sirte for the second. Generally, political rather than ideological reasons seem to prevail.

The Islamic State in Libya has experienced difficulties, as it is sometimes perceived as “exogenous” to the Libyan tradition,

¹⁹ France officially sides with the Government of National Accord headquartered in Tripoli, although it has deployed special forces to Cyrenaica in support of General Haftar, head of the self-proclaimed Libya National Army (LNA) and hostile to the Tripoli authorities upheld by the UN. This was publicly admitted by French President Francois Hollande, who on 22 July confirmed the deaths of three French soldiers in Libya on 17 July, killed in a helicopter crash east of Benghazi.

and its “global goal” is rather considered as instrumental to al-Baghdadi’s leadership. This does not mean that there is a complete rejection of jihadist ideology: in Derna, the Mujahidin Shura Council, an umbrella group of local Islamist militias, includes the Abu Slim Martyrs Brigade and other militia, which are openly jihadist and share strong links with al-Qaeda. A key point for the success of IS (and more generally of jihadist organisations) in Libya remains the relation between local communities and jihadist/IS groups. In Sirte, the exclusion of a part of the population from political participation favoured the initial installation of jihadist militias (which later joined IS) as a form of revenge against the new central authority. However, it is not at all clear if this connection will last long. This is why it is key to return to a political process based on inclusion, rather than retaliation²⁰. A counterterrorism policy necessitates the return to a political process based on nation building. Unity government talks do not inspire optimism considering the many hurdles they still face, but the ultimate goal should be the stability of Libya. Failing to outline the political goal will contribute to protracted conflict with little political effectiveness, as in the cases of Iraq and Afghanistan.

In Libya, the interference of regional powers contributed to polarizing political fronts. Foreign interferences made it even more difficult to kick off a true process of national reconciliation. During the last year, a negotiation with Gen. Haftar has been discussed several times, on the condition that he accepts to have a role within the UN-backed government and to limit his hegemonic ambitions over Libya. Recent events are making this option more and more remote, and the international

circumstances are weakening the chance of success of such a mediation. The bottom-up approach has failed because local actors are not provided with incentives to pursue a mediation. The Libyan crisis has been more and more perceived by the international and regional powers like part and parcel of a bigger crisis. Many of these actors kept supporting one Libyan contender or the other according to their own interests. Rival countries in the region kept carrying their weight, thus hindering the UN initiative. Diverging interests by conservative Arab countries, Egypt, the US, Europe, and Russia gave rise to contrasts and contradictions. The political set-up of the region remains crucial, and so the power balance amongst the main local powers – the very reflection of the interest invested in the region by the global powers.

Thus, the only possible way to solve the Libyan crisis is through a preliminary agreement between the most influential international and regional actors and the implementation of the concept of “regional ownership,” as they are doing in Syria right now. It is necessary if not essential to involve all countries backing Libyan factions in the process, including Egypt and Russia as premium Haftar supporters. This attempt to achieve “broad agreements” could contribute to convincing every international actor that the process is in their best interest and to fostering a process of internal reconciliation, avoiding chaos and a new rise of jihadism in Libya.

²⁰ K. Mezran and A. Varvelli, “Libya and the West: Intervention without a Cause?”, 22 February 2016 BY <http://www.atlanticcouncil.org/blogs/menasource/libya-and-the-west-intervention-without-a-cause>

Chapter VII

After Regime Change, What? The Missed Opportunity of State Building in Libya *Irene Costantini*, Middle East Research Institute, Erbil

In April 2017, faced with an escalation of violence in the South of Libya, Fayeze al-Serraj, chairman of the Presidency Council established by the Libyan Political Agreement, urged in an open letter for an international intervention that could end the deterioration of the security situation in the country. The call was rejected by the House of Representatives¹, but it did not receive any welcoming either internationally. “The international community is keen on having no military intervention as an option to end Libya’s crisis, but rather will always push for dialogue as the only solution” said Martin Kobler, the Special Representative of the Secretary General and head of the UN Support Mission in Libya (UNSMIL) in a following meeting with al-Serraj². Later on, in a joint press conference with the Italian Prime Minister Gentiloni, President Trump clearly stated that the US, on its side, will not be militarily involved in Libya:

“I don’t see a role in Libya. I think the United States has now enough roles everywhere”³. The crisis’ destiny is in the hands of Europe, where talks about a potential military intervention according to the Security Council Resolution 2259 surfaced in 2016⁴, without, however, being followed by a clear strategy on how to deal with Libya.

While an international intervention will not materialise any time soon, the call of al-Serraj is nonetheless telling: it impels a reflection on international interventions in conflict-affected countries, their purposes, mandates, and operational aspects and perhaps their future directions. Inevitably, the call of al-Serraj, six years after the NATO-led military operation in Libya, leads us also to problematize what has (or has not) been done in the immediate aftermath of regime change, which, according to the literature, is the most critical period for a post-conflict country to reverse again into violence⁵. In particular, and in relation to the discussion on international interventions, the issue at stake in this chapter is related to the endeavour of building a state. At the turn of the 2000s, there was a consensus among the UN, the International Financial Institutions, key donors, and western governments that state building was the solution to conflict-affected countries. However, when implemented, it rapidly turned to be part of

¹ Libya Herald, HoR condemns Serraj’s foreign intervention call, 16 April 2017. Available at: <https://www.libyaherald.com/2017/04/16/hor-condemns-serraj-foreign-intervention-call/> (accessed on 8 May 2017).

² Libya Express, Kobler meets al-Serraj in Tripoli to discuss political process, 26 April 2017. <http://www.libyanexpress.com/kobler-meets-al-serraj-in-tripoli-to-discuss-political-process/> (accessed on 8 May 2017).

³ Thrush, Glenn, No US military role in Libya, Trump says, rejecting Italy’s pleas, *The New York Times*, 20 April 2017. Available at: https://www.nytimes.com/2017/04/20/us/politics/trump-italy-prime-minister-paolo-gentiloni.html?_r=0 (accessed on 8 May 2017).

⁴ Security Council Resolution 2259 (23 December 2015) recognises and welcomes the signature of the Libyan Political Agreement and the formation of the Presidency Council. It calls upon Member States to respond to request from it for assistance. See for instance: Emmott, Robin, EU preparing to deploy security mission in Libya, if requested, *Reuters*, 15 April 2016. Available at: <http://www.reuters.com/article/us-europe-migrants-libya-eu-idUSKCN0XC1FF> (accessed on 13 May 2017); The Economist, Leading from behind. Italy ponders military intervention in Libya, 5 May 2016. Available at: <http://www.economist.com/news/europe/21698322-carabinieri-may-not-be-marching-tripoli-just-yet-italy-ponders-military-intervention> (accessed on 13 May 2017).

⁵ C. Paul, and N. Sambanis, ‘Understanding Civil War: A New Agenda’, *Journal of Conflict Resolution*, 46 (1): 3-12, 2002.

the problem, rather than a solution. Among other factors, the shortcomings of previous state building interventions influenced the interpretation of the Libyan crisis and constrained the options available for dealing with the country.

State building: what it is and its track records

Inevitably, the debate on state building brings us back to the controversial, to the least, 2003 intervention in Iraq and its precedent, Afghanistan. Being in the same regional complex, the experience in Iraq has been of particular relevance to inform, explicitly or implicitly, the international intervention in Libya, especially after the ousting of Muammar Qadhafi. The British House of Commons' 2016 investigation of the Libyan intervention, clearly establishes the link between the two:

“We recognise that the damaging experience of post-war intervention in Iraq engendered an understandable reluctance to impose solutions in Libya. However, because the UK along with France led the military intervention, it had a particular responsibility to support Libyan economic and political reconstruction, which became an impossible task because of the failure to establish security on the ground”⁶.

The shortcomings of one of the largest reconstruction plan after the Marshall plan were already visible in Iraq in 2011, by the time when the American troops were withdrawing from the country, and they became even more evident by summer 2014, when the Islamic State challenged the same construct of the state in Iraq by conquering swathes of its territory. Despite the estimated \$ 60.64 billion spent in the country between

⁶ House of Commons, *Libya: examination of intervention and collapse and the UK's future policy options*. Third Report of Session 2016-17. Foreign Affairs Committee, 2016, p. 29.

2003-12⁷, and the promise that “the establishment of a free Iraq at the heart of the Middle East will be a watershed event in the global democratic revolution”⁸, by the time of the intervention in Libya, Iraq was far from being a model to follow. On the contrary, its institutions were plagued with corruption, the political cadre too occupied to turn the state into parochial fiefdoms dominated by ethno-religious or party allegiances, and public services (from security to electricity, health and education) incapable of serving the Iraqi population.

In what can be read as a policy reaction rather than a policy learning, following the NATO-led military intervention, international actors were wary of getting entangled into another Middle Eastern quagmire at the time in which the so-called Arab Spring was shaking the order in some of the long-lasting regimes of the region, be they Tunisia, Egypt, Syria or Yemen. The NATO-intervention in Libya was authorized under Chapter VII of the UN Charter (UN Security Council Resolution 1973) based on the application, for the first time, of the Responsibility to Protect (R2P). Its mandate, however, soon “morphed almost ineluctably into” regime change⁹. NATO extended air operations across Libya, thus arguably crossing the boundaries of its mandate. “Our duty”, wrote Barack Obama, David Cameron and Nicolas Sarkozy in 2011, “[...] is to protect civilians and we are doing it. It is not to remove Qaddafi by force. But it is impossible to imagine a future for Libya with Qaddafi in power”¹⁰. While the

⁷ SIGIR [Special Inspector General for Iraq Reconstruction]. *Learning from Iraq. A final report*, 2013, p. 55.

⁸ B. G. W. *Remarks by president George W. Bush at the 20th anniversary of the national endowment for democracy*. Washington DC: United States Chamber of commerce, 2003.

⁹ House of Commons, *Libya: examination of intervention and collapse and the UK's future policy options*. Third Report of Session 2016-17. Foreign Affairs Committee, 2016, p. 17.

¹⁰ O. Barack, D. Cameron and N. Sarkozy, “Libya's pathway to peace”, *The New York Times*, 14 April 2011.

international community, and within it, western governments arguably upheld the responsibility to protect, they relinquished another tenet of that norm: the responsibility to rebuild¹¹. Once the military operation was over, they did not assume the responsibility of what was to follow: “Libya is for the Libyans” was a popular slogan not only among local policy-makers but also among international ones.

If the 2003 intervention in Iraq turned to be the emblem of state building, state building, or part of it, was not a new thing. From 1989 to 2011, 34 UN mandated peacekeeping operations contained a state building component¹². At the turn of the new millennium, however, state building was put in the limelight as a result of a gradually changing conceptualization of the relationship between the state and conflict. The former, in its failed, fragile or weak forms, was increasingly associated with the eruption of conflict, and generally speaking with those challenges that were threatening the international order, including terrorism. Rectifying state failure, fragility or weakness was therefore seen as the solution to maintain international peace and stability. In a rather procedural and technical way, the

¹¹ In response to the challenges of external military interventions for humanitarian purposes, the International Commission on Intervention and State Sovereignty (ICISS) was founded in 2000. The Commission chaired by Gareth Evans and Mohamed Sahnoun produced in 2001 the report *The Responsibility to Protect*, which laid down the contours of a new understanding of sovereignty as Responsibility. While most of the debate on R2P is concentrated on the issue of intervention, the document lays down complementary norms: the responsibility to prevent; the responsibility to react; and the responsibility to rebuild. The principle of the Responsibility to Protect was adopted at the 2005 World Summit by all the UN Members. See: International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility To Protect*, Report of the International Commission on Intervention and State Sovereignty. Ottawa: International Development Research Centre, 2001; A. J. Bellamy and D. P. Williams, “The new politics of protection? Côte d’Ivoire, Libya and the responsibility to protect”, *International Affairs*, 87(4), 2011: pp. 825-850.

¹² Berdal M. and Zaum D., ‘Introduction’, in Berdal M. and Zaum D., (eds), *Power After Peace: The Political Economy of Post-Conflict Statebuilding*, London: Routledge, 2012, pp. 1-14.

focus was put on state institutions enshrined with the expected capacity of channelling political disputes into the realm of political confrontation rather than violent confrontation.

Despite the expectations, the track record of state building missions in conflict-affected countries is far from positive. The institutionalization supposedly promoted by state building interventions or mandates has rarely succeeded in transforming political, economic and social orders. Their intrusiveness has often been accompanied by political agendas and practices that mask neo-colonial ambitions, material interests, or the disciplinary goal of transforming society behind the veil of liberalism. In evaluating the success or failure of state building, what came to be questioned is, at the least, the “performance” of these interventions, and at the most, the epistemology and worldviews associated with the “liberal peace”. In between, issues of legitimacy, sustainability, ownership, and inclusiveness have come under close scrutiny and constitute the backbone of a growing criticism to state building interventions. The case of Iraq is the latest example in which a combination of these arguments has explained the modest, if not problematic, results of state building.

Despite all the problems associated with state building, the state in conflict-affected countries remains a key interlocutor for the international community and local political élites. For the international community, it remains a key interlocutor, without which it becomes difficult to channel resources or pressure for change. For local élites it remains a central focus to favour a concentration of power that lure political confrontation into the state structures rather than dispersing it across multiple centres of power. What has proven to be most challenging in conflict-affected countries is for the state to become a central actor in society. In other words, even when sustained by international actors and local élites, the state has hardly become meaningful in society, or penetrated society in such a way to gain legitimacy from it, for instance

through a positive performance in terms of guaranteeing security or public services. In whole, state building has often built “emptied states”¹³ filled by local élites and dependent on foreign assistance and incapable of reaching society.

Libya and the missed-opportunity of state building

While the immediate aftermath of regime change inspired a general sense of enthusiasm among local and international policy-makers for the transition ahead, the task of leading the country towards a political transformation was certainly not an easy one. The transitional government had to face a number of challenges that any country would have found problematic: holding elections, drafting a new constitution, forming a government, dealing with the militias that popped up during the uprising and the following armed conflict, restructuring a security apparatus in complete disarray, restoring services to the population, dealing with the damages of conflict, and restarting the economy on the track of a much awaited economic development. All this in a country that was virtually missing ordinary political institutions and faced with the rather extensive grip of tribal and local allegiances.

The UN Support Mission for Libya (UNSMIL), an integrated special political mission, was established by Security Council Resolution 2009 (S/RES/2009 2011, 12e) on 16 September 2011. According to the resolution, “the United Nations should lead the effort of the international community in supporting the Libyan-led transition and rebuilding process”, which was framed around four areas of support: transition to democracy;

¹³ O. Richmond, *Failed statebuilding: intervention, the state, and the dynamics of peace formation*. Yale University Press, 2014, p. 70.

the rule of law and human rights protection; assistance in the security sector (especially regarding control over unsecured arms); and the coordination of international assistance. The mandate of UNSMIL was extended by subsequent resolutions, with the current mandate valid until September 2017¹⁴. Either in the support of a national security architecture, including police, defence and border security, or in promoting the rule of law, including rebuilding and reforming a justice system, and in assisting a democratic transition, the mission had a state building component. However, the design of a light foot-print support mission with a primarily technical and advisory role, did not match the challenges that the country had to face. In 2014, 11 years after the 2003 invasion of Iraq, the UN Assistance Mission for Iraq (UNAMI) alone had a budget of more than USD 136 million. UNSMIL, 3 years after regime change, had a budget of USD 69 million¹⁵. Considering the overall financial assistance, in the period between 2012-15, Libya has received less than USD 200 million a year¹⁶. In comparison, Iraq received only in 2004 USD 4.3 billion.

In key areas, the expected results of the transition did not materialize. The reform of the security sector, including the process of disarmament, demobilization and reintegration, which initially saw the engagement of a number of countries,

¹⁴ UNSMIL’s mandate was modified and extended by the Security Council in resolutions 2022 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2238 (2015) and 2323 (2016), but it remained focus on the four areas presented above.

¹⁵ United Nations General Assembly, 2014. Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council, Report of the Secretary General, 17 October 2014 (A/69/363).

¹⁶ In 2012, Libya received (gross reimbursement) around 144 million USD, in 2013 140 million in 2014 198 USD million in 2015, 156 million. If the first two years of transition Iraq respectively 4.3 billion in 2004 and, 21.7 billion in 2005 (OECD Credit Reporting System).

including Turkey, Italy and the UK, simply collapsed¹⁷. In the words of Ian Martin, former Special Representative and Head of UNSMIL, “the greatest failure was the lack of progress in the security sector”, which then compromised other political and economic reconstruction initiatives¹⁸. Beyond the electoral assistance, little progress has been achieved to reinforce state’s institutions, with the result that by 2014 the few functioning institutions, the Libyan Central Bank the National Oil Corporation, experienced further political pressure.

If, on the one side, the limited results of the international assistance towards state building can be ascribed to the marginal engagement of international actors in Libya (the light-footprint model), on the other side there is also a problem of design of what the assistance was supposed to achieve. In the already mentioned investigation of the British House of Commons on the UK involvement in Libya, Sir Alan Duncan, Minister of State in the Department for International Development during the Libyan conflict, stated:

“The stabilisation plans were unrealistic...I recall writing on the “Advice to Ministers”, “fanciful rot”... it was an unrealistic desktop exercise. It was very theoretical. In a perfect world, yes, let’s have water, sanitation, schools, political dialogue and so on, but in the absence of a proper political settlement and indeed a settled state, there was no forum in which stabilisation could take place”¹⁹.

¹⁷ The United States, Great Britain, Italy and Turkey committed to train around 15,000 members of a proposed General Protection Force; France, Italy and the UK committed also to train a police force; and Germany has been another country involved in the DDR process in Libya. See: M. Toaldo, *A European Agenda to support Libya’s transition*. European Council on Foreign Relations Policy Brief, 2014.

¹⁸ House of Commons, *Libya: examination of intervention and collapse and the UK’s future policy options*. Third Report of Session 2016-17. Foreign Affairs Committee, 2016, p. 24.

¹⁹ House of Commons, *Libya: examination of intervention and collapse and the UK’s future policy options*. Third Report of Session 2016-17. Foreign Affairs Committee, 2016, p. 26.

A similar position on the unrealistic planning for post-conflict Libya is also expressed by the EU parliament in 2014 commenting on the EU Border Management Mission in Libya, a key EU mission to support Libyan authorities in developing borders’ security, which recognized that:

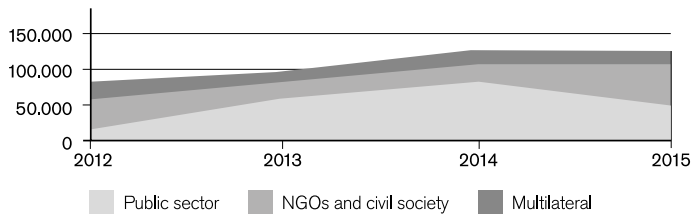
“EU security-related contribution focusing only on border security is manifestly insufficient and inconsistent with both the country’s needs and the challenges for regional security, including that of the EU; [the EU Parliament] calls, therefore, on the High Representative to review the mandate of the European Union Border Assistance Mission with a view to designing a new mission within the CSDP which takes into account the changed situation in Libya, especially with regard to the urgent need for state-building, the strengthening of institutions and security sector reform”²⁰.

Based on these premises, it is easy to see the missed opportunity of state building in Libya. Not only has the Libyan state not been able to penetrate society in such a way as to gain legitimacy from it (a common shortcoming in state building missions), but it has also become less relevant in the international community as an interlocutor for channelling resources and pressuring for change, and for the local political élites as a central focus to favour a concentration of power. These trends became even more evident after 2014. The eruption of the confrontation between operation Karamah and Fajr Libya in summer 2014 further slowed down financial assistance to the country and pushed international actors, specifically the EU, to refrain from state building and to favour the containment of a crisis increasingly interpreted as a crisis for Europe rather

²⁰ European Parliament, European Parliament resolution of 18 September 2014 on the situation in Libya (2014/2844(RSP), 2014. Available at: <http://www.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2014-0028+0+-DOC+XML+V0//EN> (accessed on 13 May 2017).

than a crisis *in itself*²¹. The pattern of international assistance to Libya is indicative of such a change. While throughout 2012 and 2014, the main channel for transferring assistance was the public sector, after 2014, there was an evident shift towards NGOs and civil society. The crisis of legitimacy at the governmental level left the international community without an interlocutor and with increased difficulties in operating on the ground.

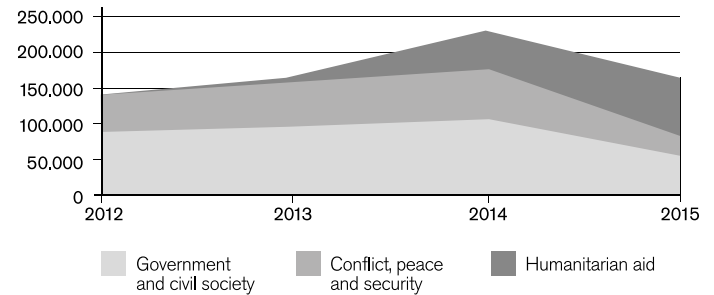
Key channels of assistance: Libya, 2012-2015



Similarly, after 2014 there is a clear shift in the key sectors of international assistance. While the downturn trend for all the categories reflects the overall reduction of international assistance, by 2015, the volume of humanitarian assistance is almost equal to the volume of the assistance for programmes targeting government and civil society and peace, conflict and security. The drastic deterioration of the situation on the ground justified a recurrence to humanitarian aid, which has not been a major component in the first years of transition, but also moved the attention away from necessary structural changes.

²¹ K. Ivashchenko-Stadnik, P. Roman, L. Ranieri, R. Pernille, A. Russo, and F. Strazzari, *How the EU is facing crises in its neighborhood, Evidence from Libya and Ukraine*. EUPACK paper, 2017.

Key sectors of assistance



To be sure, besides the flawed international assistance, the process of building a state was certainly also countered by multiple centrifugal forces in the country. While international assistance never really reached the level of addressing the bureaucratic structure of the Libyan state, other forces played against the formation of cohesive and coercive institutions at the central level. The relationship between the central government and local authorities, either centred on tribal or towns allegiances, has remained imbalanced and chaotic with the latter at best substituting the state and at worst in direct competition to the state.

Which way ahead? An even more difficult state building mission for the future

Some six years after the celebrated ouster of Muammar Qaddafi, those conditions that made international and local actors enthusiastically believe in the possibility of a smooth transition no longer exist. Libya's wealth, upon which

international actors relied for its reconstruction, has been rapidly depleted. In 2014 Libya's GDP collapsed to half of its 2012 value and further deteriorated in the following years; the budget deficit rose from 43 percent of GDP in 2014 to more than 75 percent of GDP in 2015; net foreign reserves have been rapidly depleted; and inflation strongly accelerated in 2015-16²². The 2017 Humanitarian Response to Libya estimates that 1.33 million people are in need of assistance out of 6.4 million, about 20 per cent of the population²³.

Back in 2011, Libya's homogeneous society was similarly perceived as an asset for a peaceful transition, which put the country in contrast to the Iraqi experience. When translated into political terms, however, this was a flawed conception as it completely neglected that communalistic exclusionary politics emerge from societal change (past and present) and as a result of their interaction with the formation of state authority. Libya, six years after the revolution, shows deep fissures in society, which, aided by the deleterious effects of a rampant informal/illicit economy, are holding the political process hostage. The signing of the Libyan Political Agreement on 16 December 2015 spurred some hope. However, the performance of the Presidential Council has been extremely poor in the areas nominally under its control.

While international attention should be maintained on reaching a comprehensive and inclusive political settlement, it becomes clear that an institutional structure capable of surviving a political deadlock is needed in Libya. Going back to the Iraqi case, one could argue that due the pervasiveness of the state building intervention there, the skeleton of a Weberian state with its institutional complexities has been built

and has managed to capture the interest of the political cadre. Thus, the struggle over authority in Iraq has occurred within the state: to access it, deform its structure and, as a result, give life to the state, albeit a dysfunctional one. In contrast, this skeleton in Libya has not been built yet. Due partly to the legacies of the "stateless" state and to the minimal nature of the intervention, the struggle over authority in Libya continues to be played mostly beyond the state.

²² World Bank, Libya, overview. 31 March 2016.

²³ OCHA [UN Office for the Coordination of Humanitarian Aid], *Humanitarian Response Plan, Libya*, January-December 2017.

Afterword

Libya: Italy's Dilemmas

Roberto Toscano, President
of Reset-Dialogues on Civilizations

For Italy, Libya is more than a concern. It is instead perceived as a threat, if not a nightmare. It is the source of an uncontrolled flow of migrants and, potentially, the origin of terrorist attacks on our territory.

But how much do we know about the country? And above all, are we aware of the historical roots of the current predicament?

Italians should know something about Libya, both because of its geographic proximity and our colonial past. But the fact is that we do not.

This is not only a cultural shortcoming, but a weakness that cannot but impact our capacity to nowadays make sense of what is going on there and devise sustainable and effective policies adequate to the pursuit of our interests and, more specifically, to coping with the perceived dangers originating from Libyan shores. This is why this book is not only academically valid and interesting, but should also be recommended reading for diplomats and policy-makers.

Contributors to this collective volume address the “Libyan question” from different perspectives (anthropological, historical, political), identifying the reasons for the present disarray. As Professor Massimo Campanini’s chapter makes more than clear, the central problem is the extreme weakness of the state, the product not only of specific circumstances such as the marginality of Libya within the framework of Muslim powers

in North Africa, but also of the prevalence in Libya of Bedouins over urban Arab. Bedouins are in fact intrinsically alien to any form of centrally regulated organization. Campanini rightly refers to Ibn Khaldoun, the great 14th century Arab thinker, and to his concept of *asabiyya*, the belonging to a tribal group as the only valid reference both in terms of political organization or the recognition of ethical constraints. In other words, both history and cultural anthropology explain why, to quote Campanini, “the idea of the nation-state was particularly unfeasible in the case of Libya” and why “the myth of a Libyan nation reveals all its inconsistency”. While it would be impossible to question this assessment, we think it is legitimate to challenge its essentialist implications and all the more so when the author goes on to state that Libya is “an entirely invented nation-state”. One is reminded of Benedict Anderson’s *Imagined Communities* and his contention that nations are not a product of nature, but a political construct, and that they take shape through a process that, though extremely variable, cannot justify definitive categories of “real” nations on the one hand and “invented” nations on the other. Libya is indeed an especially difficult case of state formation, but no more difficult than Afghanistan or the Congo. If we tried to consistently apply rigorous standards of evaluation on the matter of the consolidation of the nation-state, we would most probably end up coming to the conclusion that there are not that many “real” states in the world.

The problem, however, is not only one of political theory, but has a strong impact on policies that we could/should apply to Libya. The fact is that by assessing the present situation – Libya as torn by regionalism, tribalism and sectarian religion – one often tends to drift toward a sort of fatalism as to the possibility of change. In this book, for instance, Wolfgang Kraus, evidently wanting to avoid falling into an “Orientalist” prejudice, rejects the idea that tribalism may be considered

backward, and quotes Lawrence Rosen who, addressing state failure, wrote, “Tribalism is a solution rather than a problem.”

One would beg to differ. It is quite legitimate to challenge the unilateral Western concept of the Weberian state, but the problem is not theoretical, but practical. How can one envisage any form of governance, of conflict mediation, of the production and sharing of resources, without some form of nation-state? What has to be rejected is the one-size-fits-all fallacy; the state can be centralized or federal and it can even envisage a role for tribal entities. But when Professor Kraus writes of “heterarchy” (a system which he defines as characterized by “differentiated distributions of power-foci”) adding that, “there is hardly a political setting imaginable to which the notion of heterarchy applies better than to contemporary Libya,” one wonders whether “heterarchy” may be a glorified version of “anarchy”. This is a suspicion prompted by the following quote, also from the chapter by Professor Kraus, stating that “The notion of heterarchy is appropriate to describe the fluctuating, entangling and disentangling tribal, state-like, Islamist and jihadist, youth, civil, organized crime and militia-like forms of political organization.” Admittedly one should be wary of grand designs of state-building and democratization (usually imposed by foreign troops), but we should also eschew the opposite danger.

But let us shift from theory, a field in which lively debate is not only possible but welcome, to policy.

What can we do about Libya, or even better, with Libya? The question is explicitly formulated as the title of Irene Costantini’s chapter, “After Regime Change, What?”

One cannot help but say that this is a question that should have been asked before the ill-advised decision to intervene in Libya. Ostensibly for humanitarian reasons, but actually – as quickly became evident – to support the rebels and aim for regime change. Military intervention against Gheddafi was justified on moral grounds, but evidently by people (including its

number one promoter, Bernard-Henri Levy – who, as a philosopher, should have known better) unaware of the distinction between ethics of conviction (“the bloody dictator must be removed from power”) and the ethics of responsibility (“what will happen afterwards?”). It was a decision that Italy did not partake in (we instead owe that war first to France, secondly to the UK and to the U.S. “leading from behind”), but which it adhered to out of a lack of political will and blatant opportunism. Thus we contributed to eliminating “our friend Mouammar”, thereby killing the embryonic and stunted Libyan state. (Humanitarian goals – saving the regime’s opponents – turned into tyrannicide, which inevitably implied staticide). Now we are in deep trouble, trying to cope with the daunting task of dealing with Libya’s “heterarchy”.

Irene Costantini raises the question that is now at the centre of our political-diplomatic dilemmas; who should our interlocutor be? We can of course talk with the tribes (we are doing so) and maintain contact at an intelligence level with a plurality of subjects. But in no way will we be able to implement policies having even a minimum chance of success without an institutional framework responsible for the main functions of a state.

Principles and realism will have to coexist in uneasy tension. We endorsed Serraj, who has the UN’s blessing, but for too long we ignored the real power held by General Haftar. Now – also after President Macron pulled off his “exploit” of having the two shake hands in Paris, though without really solving their differences – we are trying to re-balance our strategy.

Security and energy are important, but for Italy the number one problem as far as Libya is concerned is dealing with the flow of immigrants now that our “gatekeeper”, Gheddafi, has been eliminated, and we now must look for a replacement. Hopefully the legitimate goal of regulating the flow of refugees and migrants (regulating, not stopping; a utopian pretense) will not be achieved by condoning the creation of *de facto*

concentration camps where people are kept in horrendous conditions. It is also for that reason that we cannot fatalistically accept that Libya is not fit to be a nation-state and “realistically” deal with bandits, militias, jihadists, but should instead contribute to a reversal of the disintegration of the country and the creation of some form of sustainable national government that could be the indispensable interlocutor for us and for the rest of the international community. This would be authentic political realism.

Realism, however, must overcome a number of serious obstacles, and of two different kinds. On the one hand we have well-meaning, ethically-inspired but hardly convincing slogans such as “no frontiers”, as if the indiscriminate admission of refugees and economic migrants could be both feasible and not counterproductive, forgetting that creating slums and ghettos in our own countries does not seem a credible humanitarian option. But on the other hand we now see several “entrepreneurs of fear” propagating the apocalyptic scenario of an invasion of hordes of savage and aggressive individuals, many of them with terrorist intentions and an agenda of subverting and replacing our liberal and democratic way of life with sectarian and authoritarian religious (i.e. Islamic) models. According to this scenario, we have only one alternative; surrender or fight back, forgetting all the niceties of our rule of law and our humanitarian principles. Exclude, expel, raise walls.

Challenging this last alternative, politically fraudulent but capable of exerting strong attraction on disoriented and fearful citizens, has been made more difficult by the dismal spectacle of a collapse of solidarity within the European Union. It is within the EU that several countries – including those that have substantially benefitted from European solidarity – have rejected anything that would even minimally resemble real burden-sharing as far as refugees are concerned, even stalling on resettlement quotas (from Italy and Greece) agreed upon in Brussels.

This is why the August 28th Paris meeting should be considered as both significant and promising. Of course the issue will be once again be that of actual implementation and yet what has emerged from that meeting is undoubtedly very positive, especially for Italy.

Italy is now, legitimately, a recognized main player in the search for solutions to the migrant issue, thus overcoming the fear of exclusion generated by Macron’s initiative with his July 25th meeting in Paris with Serraj and Haftar. But this is not the most substantial aspect. “Being there” for the photo opportunity is a merely formal success if there is no real leadership in terms of ideas and priorities. This time Italy was not only present, but provided a substantial contribution on the basis of long-held convictions and policies:

- There should be a sharing of responsibilities among the countries that are both more concerned and more able to contribute to a solution; Germany, France, Italy and Spain.

- In spite of all the foot-dragging by those one can only be described as the free-loaders of European integration, the EU has a central role to play, and the presence of Federica Mogherini was clear evidence of this recognition.

- African countries should be directly involved and on this occasion it was Niger and Chad, countries from which migrants enter Libya. Italy has always insisted on the need to tackle the problem “upstream” not only through better control of Libya’s southern borders, but also by making a substantial effort in order to sustain the economies of sub-Saharan Africa, from where the great majority of asylum seekers and migrants crossing the Mediterranean come.

- It will not be easy to overcome the obtuse selfishness of some so-called European partners, but it is extremely important that now the idea that the “Dublin Regulation” (the first country entered by asylum seekers is the only one responsible for handling

the problem) is neither fair nor sustainable has acquired wider acceptance – most significantly, by Chancellor Merkel.

– Italy has been practicing, albeit on a quantitatively limited scale, the formula of “humanitarian corridors”, entailing the possibility of vetting asylum seekers in third countries and giving them temporary visas that allow them to apply for the status of refugees after they have safely and in a dignified manner reached the country in which they intend to apply. After Paris, this Italian approach has now more chances of becoming a coordinated and systematic policy.

Positive and encouraging as these signals may be, one should not however believe that they will allow us to bypass the “Libyan problem”, which will remain one of institutions, interlocutors, rule of law, respect for human rights and a reduction of violence. Italy will remain deeply engaged in Libya, and politicians, officials, NGOs and ordinary citizens would be well advised to be concerned and informed.

Annex

State Building in Libya. Reflections of an Outsider

Courtney Erwin, Mohamedian League
of Religious Scholars, Morocco

In October 2016, I was on a plane from my home in Rabat, Morocco, to Tunis, where I would chair a panel at RESET’s conference on state-building in Libya. Because I am not an expert on Libya, I had consulted colleagues with such expertise and solicited articles and reports that would help me wrap my head around what appeared to be a very complicated situation. I knew very little about Libya’s history, was not versed in its tribal politics, and had only casually followed events as they unfolded in the country during the Arab Spring. I had felt accidentally connected to them in 2011, on the day of General Muammar Qaddafi’s capture and death, because I happened to be on a research trip to the International Criminal Court and was in the Office of the Prosecutor when a staffer entered the room to announce this news.

This accidental, and rather distant connection with Libya, was reignited, fortuitously, five years later through RESET’s invitation. In the weeks prior to the conference, I had dedicated my time to reviewing the recommended literature, most of which was dense, technical, and complex; it was informative but also dizzying. I doubted my capacity to retain much of it. Even so, I kept reading because I wanted to be better informed.

On the plane to Tunis, I put down these reports and began reading the New York Times Magazine feature story, “Fractured Lands: How the Arab World Came Apart,” by

Scott Anderson with photographs by Paolo Pellegrin. I had been carrying the physical copy of the magazine around with me for two months, eager to read the piece but not finding the time to read what, in fact, was less a newspaper article and more a novella. In it, Anderson presented our contemporary moment in the Arab region, which he unflinchingly referred to as a catastrophe, through the interlocking stories of individuals from different countries. One of those individuals was a man from Libya named Majdi al-Mangoush.

Majdi's story was as complex as the reports that I had put down. But, instead of statistics and analysis that made my head hurt, the emotional complexity of his personal account made my heart hurt. In his piece, Anderson suggested that the upheavals endured by each of the individuals he profiled were crystallized in a single event, and that, for Majdi, this event was a long walk:

Majdi's memory of that journey is vague. He doesn't remember how long it took; he estimates that he walked for about three hours, but it could have been shorter or twice as long. Only one moment sticks out in his mind. About halfway across no man's land, Majdi was suddenly filled with a sense of joy unlike anything he had ever experienced before.

"I can't really describe it," he said, "and I've never had a feeling like it since, but I was just so happy, so completely at peace with everything." He fell silent for a time, groping for an explanation. "I think it's because I was in the one place where I was out from the shadow of others. I hadn't betrayed my friends yet, I hadn't betrayed my country yet – that is what lay ahead – so as long as I stayed out there, I was free."

I finished reading Majdi's account as my plane arrived in Tunis. Reading the story of a single person's years long experience did not leave me better informed about state-building in Libya. It did, however, move me in a way my other readings had not, and left me caring about a man I would never meet in a country I had never visited.

And, so, I arrived at the RESET conference still very much a non-expert, but with an emotional engagement that I could draw on during my participation in the discussions. But how could that be useful or beneficial to conversations amongst experts? What could the non-expert really offer to the conversation?

I like to think there is a role for the non-expert amongst the expert. This thinking might be self-indulgent as I often find myself in such situations, questioning my presence and my utility in such settings. However, when I am in scenarios where I am considered someone with relevant expertise, I find myself interested in the voices that I may not have occasion to hear often, voices which may carry with them unexpected insights and surprising connections between and across ideas.

With this in mind, I approached my participation at the RESET conference as a careful observer and attentive listener. In so doing, I collected my reflections from the conference and present them below, with the hope that they might, in some way, enrich conversations between and among both experts and non-experts alike. These reflections concern four principal themes around which the discussions revolved. When, in writing this article, I returned to Anderson's New York Times Magazine piece and to Majdi, I saw these themes knitted into his story, as well.

Tribalism

I spent four years as a person without a tribe living in a tribal society. When I first arrived in Qatar, I thought little of my identity as a tribeless person, even though, on my first night in the country, the director of my organization remarked that no one should underestimate the central role of the tribe in every aspect of Qatari life. I remember trying to imagine how tribal alliances could operate within, or perhaps, outside or even

above the institutions of a modern nation state. It was difficult for me to understand what that might look like.

By the end of those four years, I was well acquainted with many if not most of the Qatari tribes. In political conversations about cabinet appointments, I would inquire about the tribal affiliations of new ministers. In fact, in most conversations regarding Qatari individuals, I would ask about the tribes involved. I came to realize that even those like myself, who had no tribe, achieved recognition through their national identity. The impulse for social classification along tribal lines may have influenced the substitution of a person's nationality in the absence of a tribe.

After leaving Qatar, I moved to Morocco. I lived in cities where the social fabric was not structured along tribal lines. Only when I traveled to the mountains or desert and spent time in Amazigh communities did I return to the terrain of tribalism. That is, until the RESET conference opened and the issue of tribalism emerged as the dominant topic, one that tinted all of our discussions, regardless of the topic of the panel.

My experience living in Qatar allowed me a degree of faculty in connecting with these conversations about the role and influence of tribalism in Libya. Some of the questions raised in the context of Libya could be raised elsewhere: "What is the role of tribalism in the context of state building and what is the relationship between tribes and security?"

However, as the discussants remarked, only through an intimate understanding of the local Libyan tribal context could anyone begin to respond to those questions. This caused me to reflect on my time in Qatar. It took me four years of living in the country, sitting with a Qatari friend every morning over tea, discussing the daily goings on, attending womens' majalis (gatherings), spending hours at weddings and funerals, and working side-by-side my Qatari colleagues in a Qatari foundation to arrive at a basic level of understanding of Qatari tribal society.

Because I am unsure that, after four years in Qatar, I would be able to answer the above questions about Qatari tribal society, I reflected on what it meant to have such a conversation in the context of Libya. Rather than querying the role of the tribe in state-building, I asked myself what the role of a non-Libyan, either expert or non-expert, could be in this conversation. Further, I wondered what kind of dialogue on this topic between a non-Libyan and Libyan would best serve the effort of state building. I must admit I have no answers, only questions. But, I find it important to continually ask these questions, even if they seem obvious or basic.

Identity

Each week, I spend ten hours in a small apartment in the old city of Rabat studying Arabic. The conversations with my teacher extend across subjects as diverse as philosophy, politics, food, Sufism, violent extremism, education, and the Arabic language. Embedded in many of these discussions is an implicit reference to identity, be it Muslim, Arab, Moroccan, or American. On multiple occasions, the implicit reference to identity has been made explicit when my teacher has spoken of a crisis of identity afflicting the first three of these groups. Recently, I have commented that we might be able to say that Americans are facing their own identity crisis.

When my teacher speaks of this identity crisis, her speech is laced with deep sadness. It is the same sadness that I heard in the voice of a local judge in Tatouine, Tunisia. As he drove me to a middle school, where I would interview student participants in a UN-sponsored right to education program, this man, whom I had known for less than an hour, teared up as he spoke of the extraordinary culture and contributions of an Arabic civilization that is now perceived as violent and backward.

Just as poignant as the sadness is a feeling of impotency that I sense in these conversations. The judge's tears signaled his tremendous exasperation. His way of responding to his frustration was to direct much of his energy toward building a strong sense of identity in young students, implementing programs around Arab culture and rule of law in local schools, aware that in doing so he was contributing to a critical corollary of identity: self worth. The more students he could reach, the stronger the community's collective identity and worth would be.

My Arabic teacher has not yet found a way to transcend her feeling of impotency. She appears almost paralyzed when we talk about how to emerge from a calamity of something so conceptual and yet so fundamental as her personal identity as a Moroccan Arab African Muslim as well as the larger communal Arab Muslim identity within which she lives.

At the RESET conference, this issue of identity was in the forefront of our discussions with respect to Libyan society and its citizens. It was a natural accompaniment to conversations about tribalism because of the unbreakable connection between tribe, individual, and society, but which also interacted with multiple other sources of Libyan identity, such as Islam, nation, and violence.

This latter influence – that of an all-encompassing violence in the daily lives of Libyans – struck me with particular force. I contemplated the impact of unrelenting fear, insecurity, and violence on redefining, in the case of adults, and, molding, in the case of children, a person's individual identity and that of their immediate community and wider society. I was grateful that the panelists asked us to consider the role of violence in constructing a new Libyan identity and what that would mean for strengthening interpersonal relationships, rebuilding communities, and refashioning a system of government.

Into this discussion about violence and identity came another question: What avenues are available through which

to express frustration? I thought of the frustration conveyed by my Arabic teacher in Morocco and the local judge in Tunisia and the different paths each had taken in responding to their frustrations. I also thought about the ease with which frustration can migrate across other emotions such as irritation, weariness, and aggravation. In a country where violence is not an inevitable ingredient of creating identity, frustration might be expressed in daily protests or channeled into grassroots activism. But, where identity is forged in a climate of violence, I could see the importance of state-building efforts in intentionally considering and responding to this new identity and the accompanying frustrations.

Fragmentation

A few months ago, I was walking to the tram near my house, listening to the podcast Freakonomics. The program, entitled "Trust Me," employed data from the field of behavior science to argue that societies where people trust one another are healthier and wealthier. On the program, Robert Putnam, Malkin Professor of Public Policy at Harvard University, spoke about his research on "social capital," in the context of Italian society:

If there was a dense, civic network, so that people in [their communities] behaved with respect to one another, in a trustworthy way, their governments worked better. And I dubbed that concept "social capital." The core idea of social capital is so simple, that I'm almost embarrassed to say it. It is that social networks have value. Social networks have value first of all to the people who are in the networks. For example, there's a huge amount of work on how social networks help us find jobs. They have effects on bystanders and not just effects on the people in them. Communities that have high levels of social capital benefit in many ways. Their kids do better in school.

They have lower crime rates. They have, other things being equal, higher economic growth rates. Many, many benefits both personally and collectively.

I listened to the podcast attentively for two reasons: 1) it elevated the more than vital function of trust in societies and 2) used scientific evidence to support this. As someone educated and working in the fields of international relations, Islamic Studies, and law, I tried to assess the level of importance directly given to “building social trust” in those domains. As I did this, I reviewed a 2013 report published by the Governance and Social Development Resource Centre (GSDRC), which presented research on “interventions that attempt to increase levels of trust in society” in the context of humanitarian aid and international development. One of its findings was, “It is possible to discern that interventions concerned with transforming state-society relations necessarily involve or require raising trust levels within society and/or between state-society. However, only a few of these interventions present trust-building as a central or explicit objective.” I reckoned that my own experience accorded with the conclusion of the report.

I also listened attentively to the podcast because only a month had passed since the RESET conference during which the words “fractured, fragmentation, segmentation, and erosion” seemed to be those, which were most consistently used throughout the event. While the Libyan context is very different from that of Italy or other Western countries, the communities where Putnam has conducted most of his research, these prominently utilized words imparted an image of a society where trust was vanishing. And, in its absence, no amount of state building would be able to confer the benefits of a healthy society. Those benefits would come only after the fractures were sealed through a dedicated process of building trust across Libyan society.

Unity

When my boss, Dr. Ahmed Abbadi, the Secretary General of the Mohamedian League of Religious Scholars in Morocco, speaks about intractable conflicts, he often talks about dreams. In discussions about Israel and Palestine, Dr. Abbadi observes that those on each side of the conflict have no shared dream, and without a shared dream, they have nothing that unites them. Without unity, they cannot escape the divisions that propel the conflict forward. He likens the Arab-Israeli conflict to a bird that is unable to fly unless each wing moves in harmony with the other.

When Dr. Abbadi talks about jihadists who join terrorist groups such as Daesh (ISIS), again he speaks about dreams. Dr. Abbadi notes that these men and women are motivated by four principal dreams, which inspire each one individually but also serve to bind them together around shared aspirations. While a long list of grievances, which includes accusations of Western domination, colonization, support for the state of Israel, and double standards, fortifies their commitment and fuels their actions, they are not, nor could they ever be, as powerful as the dreams. Perhaps not surprisingly, the first dream is that of unity.

During the RESET conference, the conversation about fragmentation led to a discussion about unity. What is the unifying principle in Libya? Is there a unifying principle in Libya? In searching for answers, we explored different possible origins and manifestations of Libyan unity; for example, whether Libyans were united for something or against something. In thinking about unity, I thought about solidarity and the ways in which they were different as well as their relationship to each other. I do not recall that the idea of solidarity was mentioned during the conference, but I continued thinking about these two concepts long after I had departed Tunis and returned to Rabat.

As I write, I remain unsettled in my understanding of the relationship between unity and solidarity, though I am convinced that both must be contemplated and incorporated in state-building efforts in Libya as well as in any other country. Without certainty, I could say that solidarity, which seems to imply support for and interdependence with others, based on shared interests or objectives, is a prerequisite for unity. And, if this is the case, dreams might be the instruments that produce a solidarity that creates unity. Without shared dreams, then, unity is not possible.

My experience at the RESET conference was punctuated by these four themes: tribalism, identity, fragmentation, and unity. By the end of the conference, both my head and heart hurt. Our heavy conversations had been bereft of expressions of faith and hope, and I thought about how our contributions could be more powerful with a reminder to each other and to ourselves that we believed in Libya, that we had tremendous hope for Libyans and that, above all, our faith in a better future for Libya was unwavering.

Authors

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