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The Consociational Addition to Indonesia's Centripetalism as a Tactic of the Central Authorities: The Case of Papua¹

Abstract

In 2001 the Indonesian government agreed to the introduction in the Indonesian Papua of regional, consociational elements of power-sharing, despite the fact that the dominant model of this system in Indonesia is centripetalism. The so-called special autonomy for the Indonesian Papua has never been fully implemented, however. The article seeks to test the thesis that the Indonesian authorities' institution of consociational solutions for Papua, and their subsequent failure to fully implement those solutions, were in fact tactical moves serving to reduce the threat arising from growing pro-independence aspirations among the Papuans and to firmly attach Papuan territory to Indonesia.

Introduction

In 1963 Indonesia incorporated the western portion of New Guinea (Papua).² This territory had been colonized in the 19th century by the Dutch, who began in the 1950s to prepare it for independent statehood. The incorporation took place against the will of the Papuans,³ whose resistance to the Indonesians was put down bloodily by the Indonesian army on repeated occasions. The democratization process which began in Indonesia at the end of the 20th century⁴ led the Jakarta government to pursue a more civilized policy toward the Papuans. The main element of this policy has promised to introduce special autonomy in Papua to reinforce Papuan group rights in the spirit of consociationalism. Formally, therefore, the Indonesians agreed to the introduction in Papua of regional, consociational elements of a political system based on power-sharing, despite the fact that the dominant model of this system in Indonesia is centripetalism. Papua's special autonomy, adopted by law in 2001, notably grants the right for local (ethnic) parties and autonomous and traditional power institutions to function on its territory, as well as special economic rights for the population of this territory (especially in the form of the right to obtain extraordinary developmental funds and the right for Papua to retain a significant portion of the proceeds derived from the exploitation of its natural resources). This special autonomy has never been fully implemented, however, and those of its elements that have been introduced are more beneficial for people migrating from other parts of Indonesia than to the Papuans.

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² Papua and Indonesian Papua, two terms used interchangeably in this article, refer (since 2003) to two Indonesian provinces: Papua and West Papua, located on the western half of the island of New Guinea and on small adjacent islands. These provinces used to form one territorial entity known as Papua, West Irian and Irian Jaya. In this article the name Papua New Guinea, a state in existence since 1975, is used with respect to contemporary matters concerning the non-Indonesian, eastern part of New Guinea.

³ In this article, the term Papuans is used to denote the indigenous inhabitants of the western part of New Guinea and small adjacent islands, irrespective of the ethnic differences between them.

⁴ The democratic changes began with the resignation of president Suharto following a wave of popular protests in 1998, and with the first multi-party elections in 1999.

In order to explain this situation, it is necessary to examine the Indonesian central authorities' true intentions behind their decision to make a consociational addition to Indonesia's predominantly centripetal political system. The present article seeks to test the thesis that the central authorities' institution of consociational solutions for Papua in 2001, and their subsequent failure to fully implement those solutions, were in fact tactical moves serving to reduce the threat arising from growing pro-independence aspirations among the Papuans and, in consequence, to firmly attach Papuan territory to Indonesia.

This article is made up of four parts. For the sake of clarity, in the first of them, the author describes the specificity of segmental (ethnic and religious) divisions existing in Indonesia and characterizes the country's power-sharing political system, whose aim is to reduce conflicts in inter-segmental relations. The article's second part discusses the course and legitimacy of the process leading to Papua's incorporation in Indonesia and the genesis of the formal institution of special autonomy for Papua. The third part is devoted to the analysis of the most important elements of this special autonomy, their significance, and the degree to which they have been implemented. In the fourth part, the author presents arguments speaking in favor of the article's thesis.

Preliminaries

Indonesia is a large archipelago state lying in South-East Asia (the larger part of the Malayan archipelago) and in Melanesia (West New Guinea), with an area of nearly 2 million km² stretched out latitudinally over 5,000 km. It is the world's fourth most populous state, with about 261 million inhabitants (in 2016),⁵ who live on over 6,000 islands out of a total of about 17,000 making up Indonesia's territory. Indonesian society is strongly divided ethnically and, to a lesser extent, religiously.

The largest of Indonesia's ethnic groups are the Javanese (over 40% of all inhabitants). Other numerically significant groups are the Sundanese (approx. 15.5%), the Malay (approx. 3.7%), the Batak (approx. 3.6%) and the Madurese (approx. 3%).⁶ The share of any of the several hundred other native ethnic groups in Indonesia's population is, in every case, under 3%.⁷ The vast majority of Indonesians, approx. 87%, are Muslim (overwhelmingly Sunni); the number of Christians (Protestants and Catholics) is just under 10%; and Hindus represent approx. 1.7%.⁸

As the data above indicates, Indonesian society is made up of various ethnic and religious segments, and this allows us to refer to it as a plural society. In societies of this type, conflicts of various types often mark inter-segmental relations. A number of states inhabited by distinct ethnic/national and/or religious/denominational segments have worked out solutions aimed at limiting such conflicts and, in consequence, to stabilize their political situation. When these solutions take on an extended or even a systemic nature, and especially if they are associated with a formal, insti-

⁵ Worldometers, *Indonesia Population*, <http://www.worldometers.info/world-population/indonesia-population/> (accessed 18 September 2016).

⁶ According to data from 2010, Index Mundi, *Indonesia Demographics Profile 2014*, http://www.indexmundi.com/indonesia/demographics_profile.html (accessed 6 June 2016).

⁷ According to some sources, Indonesia is inhabited even by more than 1,000 ethnic groups and tribes. See, for example, Geoffrey Macdonald, *Election Rules and Identity Politics: Understanding the Success of Multiethnic Parties in Indonesia*, Washington: International Foundation for Electoral Systems, 2013, p. 4, http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2013/2012_Hybl_Fellowship_Final.pdf (accessed 6 June 2016).

⁸ According to data from 2010, Index Mundi, *Indonesia Demographics Profile 2014*...

tutionalized inclusion in the governing process of politicians representing different segments of a plural society, we are dealing with inter-segmental power-sharing.⁹ Countries which have implemented such a power-sharing system include Indonesia.

There are various models of political systems of a power-sharing nature. The most important of them are consociationalism and centripetalism (also called “integrative power-sharing”).¹⁰ The logic of consociationalism is based on the concept of primordialism which, as Arend Lijphart explains, presupposes that ethnicity understood as ethnic identity “is an inherited characteristic and, if not permanently fixed, at least very difficult to change”.¹¹ From a primordialist perspective, the idea of creating pan-segmental societies in multi-segmental states seems utopian. The theory of consociationalism presupposes, among other things, that when society in a given state is plural in character and, especially, strongly divided ethnically/nationally and/or religiously/denominationally, individual segments should possess their own distinct representatives in state government (e.g. in the form of segmental parties, especially ethnic or religious ones), be able to participate in political decision-making and, in consequence, to have the possibility of defending their interests effectively, especially their economic interests, but also linguistic and religious ones.¹² Consociationalism thus supports group (segmental) rights, especially by means of the following fundamental institutional solutions:¹³ 1) grand coalition governments (such as, for example, governments formed by segmental parties or governments made up of politicians representing specific segments of plural society or preferably originating from all of those groups); 2) cultural autonomy for individual linguistic groups (if they live in one specific area then the autonomy can also be of a territorial nature, for example that of ethnic federalism); 3) proportionality in political representation and in the appointment of members of the civil service; and 4) a limited veto right for minorities (taking at times the form of a requirement to obtain a qualified majority for certain types of changes to the law).

Constructivist premises serve in turn as a basis for the logic of centripetalism. Proponents of constructivism are in agreement with the primordialist view that ethnicity is something given or set in advance, but they also state that it can then be shaped, if only for the purpose of bringing members of different ethnic groups or religious communities together, for example. Centripetalism presupposes the possibility of political integration of the groups' elites above ethnic divisions, thus weakening the importance of the latter. Three main institutional solutions of centripetalism serve to achieve the integrative effect:¹⁴ 1) a territorial structure within the framework of which large ethnic

⁹ Power-sharing in multi-segmental states may function in the form of various political solutions. See, for example, Krzysztof Trzcinski, ‘How Theoretically Opposite Models of Interethnic Power-Sharing Can Complement Each Other and Contribute to Political Stabilization: The Case of Nigeria’, *Politeja*, Vol. 42, No. 3, 2016, especially pp. 58–69.

¹⁰ See Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, Washington DC: United States Institute of Peace, 1996.

¹¹ Arend Lijphart, ‘Multiethnic Democracy’, in *The Encyclopedia of Democracy*, Vol. 3, Seymour M. Lipset (ed.), London: Routledge, 1995, p. 855.

¹² For more on group (segmental) interests, see, for example, Stuart J. Kaufman, ‘Ethnicity as a Generator of Conflict’, in *Routledge Handbook of Ethnic Conflict*, Karl Cordell and Stefan Wolff (eds), London: Routledge, 2011, pp. 93–94.

¹³ Arend Lijphart, *Thinking about Democracy: Power Sharing and Majority Rule in Theory and Practice*, London: Routledge, 2008, p. 42.

¹⁴ See, for example, Benjamin Reilly, *Democracy and Diversity: Political Engineering in the Asia-Pacific*, Oxford: Oxford University Press, 2007, especially pp. 83–91; idem, ‘Centripetalism’, in *Routledge Handbook of Ethnic Conflict...*, especially pp. 291–295; idem, ‘Centripetalism: Cooperation, Accommodation and Integration’, in *Conflict Management in Divided Societies: Theories and Practice*, Stefan Wolff and Christalla Yakinthou (eds), New York: Routledge, 2011, pp. 57–64.

groups are ‘broken down’ so their members live in distinct, preferably multi-ethnic territorial and administrative units – something that is supposed to make the elites of one and the same large group representing various regions compete with each other, for example for funds from the central budget; 2) the constitutional requirement for candidates in presidential elections to obtain a territorial distribution of votes (the support of the electorate in a considerable number of the given state’s regions), the fulfillment of which is necessary to assume the office of president; and 3) supra-regional and inter-segmental political parties required to form segmentally heterogeneous lists of candidates in different elections.

Although in the literature Indonesia is considered to be a country with a centripetal system, Indonesian power-sharing should be treated as a hybrid or mixed type, because the centripetal elements (all three) which are dominant are accompanied by elements of the consociational model that can be seen in the entire political system (segmental parties in the form of religion-based, mainly Muslim, parties),¹⁵ and in regional solutions (special autonomy manifested particularly in the recognition for group rights through the sanctioning of Sharia Law and the introduction of a specific type of division of proceeds obtained from the exploitation of natural resources, and segmental parties in the form of ethnic parties and traditional political institutions in the province of Aceh).¹⁶ Consociational institutions at the regional level in Indonesia were legally established for the provinces of Aceh and Papua (the latter is presently made up of two provinces – Papua and West Papua),¹⁷ but only fully implemented in the former.

The Process of Papua’s Incorporation into Indonesia and the Genesis of Its Special Autonomy

Divided into various ethnic groups or tribes, the inhabitants of Papua have never created a common independent state. This was not only due to the fact that the concept of unified and centralized statehood such as took shape over several centuries in the West, for example, was foreign to the Papuans. Other factors included lack of organization and military and transportation technology making conquests possible on a larger than local scale, and very difficult accessibility of many parts of New Guinea, which is in large measure mountainous or covered with thick forests. In consequence, the individual political organizations of various Papuan ethnic groups inhabiting New Guinea had a reach of one or several mountain valleys, or of a small low-lying territory, especially on the coastline.

Even if history provides no examples of territorially developed statehood in Papua, its present incorporation in Indonesia is highly problematic, above all on account of the fact that a considerable portion of the indigenous population opposes it and would prefer to have its own independent

¹⁵ In Indonesia there are also Christian and Hindu parties, but these are not represented in parliament.

¹⁶ According to Arend Lijphart, the existence of only some consociational institutions warrants the use of the term consociational power-sharing. In addition to the full model of consociationalism, he also singles out individual consociational elements in political systems. Lijphart gives to understand (through his analysis of India’s case, for example), that political systems do not have to exhibit all four elements of an ideal consociational system to warrant the use of the term “consociational” in relation to some of its existing power-sharing elements, but on the condition that these elements correspond to some part of the consociational model. Lijphart thus indicates that one may talk of a full consociational model and of consociational elements. See Arend Lijphart, ‘The Puzzle of Indian Democracy: A Consociational Interpretation’, *The American Political Science Review*, Vol. 90, No. 2, June 1996, pp. 258–268.

¹⁷ The Indonesian authorities intend to create new provinces in Papua out of the two already existing ones. See Ridwan M. Sijabat, ‘How Many Provinces Does Indonesia Need?’, *The Jakarta Post*, 20 April 2012, <http://www.thejakartapost.com/news/2012/04/20/how-many-provinces-does-indonesia-need.html> (accessed 18 June 2016).

state. Until quite recently, Papua and Indonesia had very few things in common. The dark-skinned Papuans are Melanesians and have many distinct exterior characteristics and cultural, including linguistic, traits that set them apart from most of Indonesia's ethnic groups. Among the contemporary inhabitants of Indonesia's Malay Archipelago, only some inhabitants of the Maluku Islands show a certain physical and cultural resemblance to the Papuans.

What's more, the contemporary division of New Guinea and the surrounding islands between Indonesia and Papua New Guinea is artificial in nature and is in fact a vestige of colonial times. Until the 1960s, Papua was not part of Indonesia, even if parts of the westernmost Papuan coast were periodically controlled, mainly nominally, by the sultanates of the Maluku Islands of Tidore and Ternate, which fought each other in the 17th century over control of the Maluku Islands and the surrounding seas, and over the cultivation and trade in cloves. The ongoing wars gradually weakened them. The Dutch took advantage of this and, in time, extended their control over the entire Maluku Islands, which they included in the Dutch East Indies – the Dutch colony over the area of the Malay Archipelago. The proximity between the Maluku Islands and New Guinea made it easy in the 19th century for the Dutch to gradually conquer certain areas inhabited by Papuans. Until the beginning of the 20th century, the Dutch nominally controlled about half the territory of New Guinea (the western part of the island, the so-called Dutch New Guinea), while its remaining half, presently the independent state of Papua New Guinea, was for a short time made a part of the British and German colonial empires. While the religion of the majority of the ethnic groups in the Malay Archipelago has for centuries been Islam, the Dutch successfully converted the inhabitants of West New Guinea, until then followers of local beliefs, to Christianity, which the Europeans disseminated throughout Melanesia.

Despite the racial and cultural differences between the Papuans and the various ethnic groups of the Malay Archipelago, the Dutch subjected them to the same colonial regime within the boundaries of the Dutch East Indies. During the Second World War, a considerable portion of the Malay Archipelago and New Guinea was occupied by the Japanese. When the war ended in 1945, pro-independence activists, mainly from Java and Sumatra, proclaimed the creation of Indonesia, a state which the Dutch didn't recognize until 1949 and whose establishment they resisted by force. The costs of this conflict and international pressure ultimately led to the withdrawal of the Dutch from the Malay Archipelago in 1949, but not from Dutch New Guinea.¹⁸ The Dutch began to prepare this territory for independent statehood and, in the late 1950s, they allowed elections to take place to the New Guinea Council, a political body that was supposed to represent the Papuans during the processes of decolonization and emergence of the new state.

Ever since the declaration of independence, Indonesia's political elites have however viewed their country as the successor to the entire Dutch East Indies, including West New Guinea. In order to more strongly legitimize the ties between Indonesia and Papua, the Indonesian authorities evoked the fact of periodic dependence of some parts of the coast of West New Guinea to the Maluku sultanates of Ternate and Tidore in pre-colonial times. The areas controlled by these sultanates first became part of the Dutch East Indies and, later, of Indonesia. Having failed in their attempts to negotiate the acquisition of Papua from the Dutch in the 1950s, the Indonesians then tried to get the UN to endorse the incorporation of Papua. Having failed there too, in the early 1960s the Indonesi-

¹⁸ During this period, the once British and German eastern part of New Guinea (and adjacent islands) were already under Australian administration.

ans began to exert economic and military pressure on the Netherlands (including confiscation or destruction of Dutch property in Indonesia and, among other things, military patrols near and on the territory of West New Guinea and planning to seize the territory by force). Indonesia's diplomatic service and international pressure proved more effective, however. And so, to help convince the United States of Indonesia's rights to Papua,¹⁹ in the early 1960s Jakarta began to equip some of its armed forces with Soviet military equipment. This not only made it likelier that any possible future armed invasion of Dutch New Guinea by the Indonesian army would be successful. It also raised the prospect of a possible rapprochement between Indonesia and the Soviet Union. At the time of the Vietnam War and, more generally, the Cold War and the expansion of communism in Asia, such a thought was bound to raise serious alarm in Washington.

In the event, the USA gave priority to Indonesian interests and agreed to mediations, which benefited the Indonesians and the USA at the expense of the Papuans and the Dutch. Under the auspices of the Kennedy Administration, in August 1963 Indonesia and the Netherlands signed the so-called New York Agreement, which satisfied Indonesia's demands in full. In its stead, for a short time, from October 1962 to April 1963, power in West New Guinea lay in the hands of the United Nations Temporary Executive Authority (UNTEA) supported by the United Nations Security Force in West New Guinea (UNSF). During this period, most Dutch functionaries left New Guinea and were replaced by Indonesians and Papuans. In May 1963, Dutch New Guinea officially became the Indonesian province of West Irian. Indonesia then decided to organize debates in local consultative councils made up of representatives of the local population. The councils were expected to articulate the wishes of the Papuans regarding the future status of West New Guinea. Only in July and August 1969 did council members, 1,025 Papuan representatives selected and almost certainly coerced by the Indonesian army,²⁰ issued the so-called Act of Free Choice, which decided on West New Guinea remaining within the boundaries of Indonesia.²¹ This procedure took place in violation of the New York Agreement's art. 18 (d), which provided for the participation in the 'act of self-determination' of all adults among the indigenous population of West New Guinea (and not of their representatives),²² and also in violation of the UN Declaration on the Granting of Independence to Colonial Countries and Peoples.²³

The so-called Act of Free Choice ended the process of legitimizing Indonesia's sovereignty over West New Guinea. The Indonesians gained territory that was very sparsely populated (approx. 923,000 inhabitants in 1971),²⁴ but extensive (approx. 460,000 km²), and abundant in natural re-

¹⁹ Initially, the United States either implicitly supported the Netherlands, their NATO ally, or was not particularly interested by the Dutch-Indonesian disputes over western New Guinea – perhaps on account of US military engagement in Vietnam.

²⁰ On the subject of the intimidation and large scale murder of Papuans by the Indonesian army see, for example, 'Breaking Free From Betrayal', *New Internationalist*, Issue 319, November 1999, <https://newint.org/features/1999/11/05/free/> (accessed 16 June 2016).

²¹ For more on this topic, see Esther Heidbüchel, *The West Papua Conflict in Indonesia: Actors, Issues and Approaches*, Wettenberg: Johannes Herrmann J&J-Verlag, 2007, pp. 36–42.

²² *Agreement Between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (West Irian)*, New York: United Nations Headquarters, 15 August 1962, http://www.vrijoosttimor.nl/PDFs/New_York_%20Agreement.pdf (accessed 14 November 2016).

²³ *United Nations General Assembly Resolution 1514, Declaration on the Granting of Independence to Colonial Countries and Peoples*, New York: United Nations General Assembly, 14 December 1960, <http://www.un.org/en/decolonization/declaration.shtml> (accessed 17 November 2016).

²⁴ In 1971 there were approx. 887,000 Papuans and 36,000 non-Papuans in Indonesian Papua. See Jim Elmslie, 'West Papuan Demographic Transition and the 2010 Indonesian Census: "Slow Motion Genocide" or not?', *CPACS*

sources (gold, copper, silver, natural gas, oil, timber, and fish), and low-lying regions on the coast that could be used for agriculture. With the annexation of Papua, this entire territory became a new home for migrants from various overpopulated areas of the Malay Archipelago – especially from Java, Sulawesi, and the Maluku Islands – who began to arrive mainly within the framework of the so-called transmigration (*transmigrasi*) policy sponsored by the Indonesian state.²⁵

Indonesia's incorporation of Papua also benefited the Americans. Firstly, the risk of a political rapprochement between Indonesia and the Soviet Union was averted.²⁶ Secondly, as early as the second half of the 1960s, the American mining giant Freeport (presently Freeport-McMoRan) obtained a long-term license from the Indonesian authorities for the extraction of mineral resources in Papua's Jayawijaya Mountains.²⁷

In 1963, prior to the issuing of the Act of Free Choice, the Free Papua Movement (OPM) – a political organization representing the interests of Papuans and considering the Indonesians as occupiers – was established. The Indonesians proclaimed the OPM an illegal movement to be fought. Since the 1960s, the OPM has been waging a small-scale armed struggle – using mainly primitive weapons like spears, bows, and arrows – directed primarily against the Indonesian army, police, and migrants. The activities of the OPM have allowed the Indonesian authorities to justify a continuous expansion of their armed presence in Papua and numerous crimes perpetrated mainly by the army against Papuans. In 1971 the OPM unilaterally proclaimed the creation of the Republic of West Papua²⁸. Since 2002, the peaceful West Papua Liberation Organization has been conducting campaigns on behalf of Papuan self-determination.²⁹

Indonesian rule in Papua was ensured through the presence of large numbers of Indonesian soldiers there. This policy was part of the government's concept of struggle against conflicts arising on the basis of one or several of the so-called SARA elements (*Suku, Agama, Ras, Antar-golongan*, i.e., ethnicity, religion, race and class) and, at the same time, it was supposed to eliminate all types of Papuan opposition toward the central authorities. The role of the army was also essential to ensure the unhindered exploitation of Papua's natural resources by the Indonesians and foreign corporations.

As Donald L. Horowitz points out,³⁰ many Indonesian army officers, in addition to their regular military service and the remuneration they receive for it also draw and, in many cases, continue to derive benefits from a great number of economic ventures referred to as “invisible businesses”. Certain types of financially profitable activities engaged in by members of Indonesia's armed forces are not only illegal in nature but criminal as well. In this context, Horowitz mentions above all the military's widespread extortion of protection money from civilian businessmen, pro-

Working Paper, Vol. 11, No. 1, September 2010, Sydney: Centre for Peace and Conflict Studies, University of Sydney, p. 4.

²⁵ For more on this topic, see, for example, Brian A. Hoey, ‘Nationalism in Indonesia: Building Imagined and Intentional Communities through Transmigration’, *Ethnology*, Vol. 42, No. 2, Spring 2003, pp. 109–126.

²⁶ In 1965–1966 the Indonesian army carried out mass killings – mainly on Java, Sumatra and Bali – of people with leftist views generally, and particularly of members and sympathizers of the Indonesian Communist Party (PKI), of whom several hundred thousand were killed.

²⁷ At the beginning of the 1970s, this concern opened the first mine in Papua, called Ertsberg. At present, another mine, called Grasberg, is the world's largest gold mine and one of the world's most important copper extraction locations.

²⁸ For more on the OPM, see Heidbüchel, ‘The West Papua Conflict in Indonesia...’, pp. 94–97.

²⁹ See West Papua Liberation Organisation, <http://oppb.org/> (accessed 17 November 2016).

³⁰ Donald L. Horowitz, *Constitutional Change and Democracy in Indonesia*, Cambridge: Cambridge University Press, 2013, p. 211.

tection extended to persons engaged in the illegal exploitation of mineral resources in Papua, narcotics trafficking across the border with Papua New Guinea, and participating in illegal logging and the sale of timber derived from it.³¹

In practice, the Indonesian army has enjoyed special status from the beginning of Indonesia's rule over Papua. This status consisted in the legal unaccountability of officers and soldiers for human rights violations and for participating in illegal economic activities. The army in Papua continues to be allowed to break the law on a scale unseen in other parts of Indonesia. It would thus seem that, for the Indonesian leaders, the aim of suppressing pro-independence aspirations in Papua and maintaining that territory within the borders of Indonesia justifies the means serving to achieve it.

It seemed that the situation in Papua would change fundamentally with the Indonesian democratization process, which began in 1998 with the resignation of President Suharto, who had ruled the country uninterruptedly since 1967, and the arrival in power of his successor, B.J. Habibie. Habibie had visited Papua in 1999 and had met local political activists who had clearly communicated to him their desire to win independence from Indonesia.³² Abdurrahman Wahid, who became Indonesia's new president in 1999, allowed the Papuan National Congress to be held in 2000 in Papua's principal city, Jayapura. The congress drew political activists, representatives of various Papuan ethnic groups and members of the Papuan administrative and intellectual elites. During the many debates that took place over several days of meetings, various differences of opinion emerged. The Indonesians, by allowing the Papuans to freely express their views on the subject of Papua's future, learned their proposals and intentions. They also saw that various old conflicts between Papua's ethnic groups were still alive and that a majority of the functionaries and intellectuals supported Papuan independence. The Indonesians later used this knowledge to further contain pro-independence aspirations in Papua.

This knowledge turned out to be very useful when President Wahid turned matters related to Papua over to the country's then vice-president, Megawati Sukarnoputri, daughter of Indonesia's first ruler, Sukarno, who had always treated Papua as a part of Indonesia. While Wahid, similarly to his predecessor Habibie, seemed to favor a conciliatory stance towards the Papuans, Megawati – who visited Papua in 2002, prior the Papuan National Congress, and had met with a rather unfriendly reception there – decided to nip Papuan pro-independence aspirations in the bud using the state's apparatus of repression.³³ During the democratization process in Indonesia, this called for a strong pretext, however. A good opportunity, perhaps due to provocation, came up in October 2000, with the bloody outbreak of violence between the indigenous population and Indonesian migrants in the Papuan city of Wamena. The outcome of this confrontation was easy to predict: well-trained soldiers equipped with modern weapons restored order, and the Papuans were accused of engaging in ethnically, racially and religiously motivated murder. The efficient suppression in Wamena made the Papuans' total powerlessness in the face of Indonesia's apparatus of repression plain to Megawati and her supporters and reinforced their view that Papua's problems could be addressed primarily with force. After a short while, in 2001, Wahid was removed from power in Indonesia, as he

³¹ Ibid., p. 217.

³² Octovianus Mote and Danilyn Rutherford, 'From Irian Jaya to Papua: The Limits of Primordialism in Indonesia's Troubled East', *Indonesia*, Vol. 72, October 2001, p. 124.

³³ Ibid., pp. 134–135. For more on this topic, see Richard Chauvel, 'The Backlash: Jakarta's Secret Strategy to Deal with Papuan Nationalism', *Inside Indonesia*, Vol. 67, July–September 2001.

had been viewed by a large portion of the Indonesian political and military elites as a leader who had been excessively soft in the face of separatist and pro-independence movements, as evidenced especially by his acquiescence to the independence of East Timor. Those elites probably feared that Wahid's excessively conciliatory stance could lead to concessions, especially with regard to separatists in the province of Aceh and pro-independence activists in Papua. Abdurrahman Wahid was succeeded by Megawati, who had demonstrated through her policy toward the Papuans that she would not countenance any further concessions in matters of Indonesia's territorial integrity. On the one hand, Megawati allowed the military to use force against any manifestation of pro-independence aspirations in Papua and, on the other, she promised Papuans special autonomy within the Indonesian framework.

The Substance of Papuan Autonomy, Its Significance, and Partial Implementation

In 2001, the Indonesian parliament adopted the act on special autonomy for Papua.³⁴ The act provided for special autonomy in that territory that could be understood, in the spirit of consociationalism, as the emanation of group rights for Papuans.³⁵ Despite the decades-long policy of encouraging Indonesians to migrate to Papua, in 2000 Papuans were still the majority of the population in Papua (approx. 1.5 million out of a population of 2.2 million).³⁶ The special autonomy was notably expected to include such elements as the right for local (ethnic) parties and traditional power institutions to function, economic rights³⁷ in the form of a right for Papua to obtain extraordinary developmental funds, and the right to retain a significant proportion of the proceeds derived from the exploitation of its natural resources.

There is a problem, however, in that in practice the Papuans still do not have the means to organize their political representation in the form of parties, while the distribution of special investment funds and of the proceeds from the exploitation of Papuan natural resources remains the domain of the Indonesians. According to the act on special autonomy, Papuans should be allowed to form political parties (art. 28(1)), while the recruitment of members by political parties in the province(s) of Papua should give precedence to the Papuans (art. 28 (3)). The Indonesians are doing everything in their power, however, to prevent the introduction in Papua of local (ethnic) parties, whose activities are permitted in another part of Indonesia with a special status – the province of Aceh. Many Indonesian politicians have for years held the view that the threat represented by Papuans' aspirations for independence is much greater than that represented by the separatist tendencies in the province of Aceh on account of the fact that almost all the inhabitants of Aceh are Muslims,

³⁴ *Bill of Law of the Republic of Indonesia No. 21/2001 on Special Autonomy for the Papua Province*, <http://papuaweb.org/goi/otsus/files/otsus-en.html> (accessed 20 November 2016). In the present article this bill is referred to as the "act on special autonomy".

³⁵ The act on special autonomy was adopted against the Papuans' demands for greater autonomy. For more on this topic, see Octavianus Mote, 'Special Autonomy Issue', East Timor and Indonesia Action Network (ETAN), <http://etan.org/issues/wpapua/1207spaut.htm> (accessed 15 November 2016).

³⁶ See Elmslie, 'West Papuan Demographic Transition...', p. 4.

³⁷ On the subject of economic rights as an important aspect of group rights see, for example, René Lemarchand, 'Consociationalism and Power Sharing in Africa: Rwanda, Burundi, and the Democratic Republic of the Congo', *African Affairs*, Vol. 106, Issue 422, January 2007, p. 3; Kwame Gyekye, *Tradition and Modernity: Philosophical Reflections on the African Experience*, Oxford: Oxford University Press, 1997, p. 90.

as are the overwhelming majority of Indonesians, whereas the Indonesian Papuans are mainly Christian.³⁸

The Indonesian authorities were most certainly fearful that, in situations of widespread political mobilization, ethnic parties could allow the indigenous population to win elections to Papua's provincial parliament(s). This would mean that the Papuans could gain fundamental influence on the realization of economic rights granted to them by the act on special autonomy. A Papuan majority in the provincial legislature(s) could also lead to those bodies' adoption of acts of law that the Indonesians would find inconvenient, such as, for example, limitations on migration. As Ben Hillman points out,³⁹ Papuan political parties could identify, articulate and represent strictly Papuan interests and even bring about a referendum on independence. Papuan parties in such a role would greatly hamper the Indonesian authorities' struggle against pro-independence aspirations in Papua and efforts to retain Papua as a part of Indonesia. As can be presumed, the Indonesians not only prefer to decide alone about financial matters concerning Papua but are also interested in reducing the threat that ethnicity may become the prime source of public support for political parties.⁴⁰

In consequence, the Indonesians have engaged in interpretative acrobatics in the matter of the regulations on special autonomy applicable to political parties so as to prevent the creation by the Papuans of their own parties. In this spirit, the above-mentioned art. 28(1) of the act on special autonomy is most often interpreted as allowing the creation of political parties whose main seat would be in Papua, but requiring that such parties meet the conditions placed on all centripetal parties functioning in Indonesia. In keeping with the Indonesian parliament's electoral code no. 8/2012 (art. 8 (2) (b) – (d)),⁴¹ in order to function, a new political party must establish sections in all Indonesian provinces, including in at least 75% of all districts (*kabupaten*) and city boroughs (*kota*) of each province,⁴² and in at least 50% of all smaller administrative units (*kecamatan*) within districts and city boroughs.⁴³ The law presently in force in Indonesia thus requires of political parties that they be of a strictly supra-regional and supra-ethnic, or centripetal, character. This in consequence prevents the emergence of local (ethnic) parties in Indonesia, except in the province of Aceh.

As Hillman points out,⁴⁴ Papuans can register political parties only if they are centripetal in character. It is probably this consideration that made impossible the growth of the first Papuan party – the Papua People's Awakening Party (PKRP), founded in 2007⁴⁵ – whose dozen founders cited the right to establish political parties flowing directly from the act on special autonomy.

³⁸ Donald K. Emmerson, 'Will Indonesia Survive?', *Foreign Affairs*, Vol. 79, No. 3, May/June 2000, p. 101.

³⁹ Ben Hillman, 'Ethnic Politics and Local Political Parties in Indonesia', *Asian Ethnicity*, Vol. 13, No. 4, September 2012, p. 437.

⁴⁰ *Ibid.*, p. 438.

⁴¹ *Law No. 8/2012 of the Republic of Indonesia on the General Election of Members of House of Representatives, People's Representatives Council and Regional House of Representatives*, p. 7, http://anfrel.org/wp-content/uploads/2012/08/IFES-Indonesia-Unofficial-Translation-of-Law-82012-on-Legislative-Elections-v1_2012-06-14.pdf (accessed 8 June 2016). Cf. Macdonald, *Election Rules and Identity Politics...*, p. 10.

⁴² On the subject of Indonesia's administrative divisions and the authorities of individual administrative units see *The Constitution of the Republic of Indonesia from 18 August 1945 with Later Amendments*, Chapter VI, <http://www.wipo.int/edocs/lexdocs/laws/en/id/id061en.pdf> (accessed 12 November 2016).

⁴³ The earlier provisions of the law on political parties required a political party to set up and maintain sections in 60% of all provinces and in 50% of all districts and municipal boroughs in those provinces. See Hillman, 'Ethnic Politics and Local Political Parties...', p. 435.

⁴⁴ *Ibidem.*

⁴⁵ Dwi P. Nungraha, *Partai Politik Lokal di Indonesia (Analisis Kedudukan dan Fungsi Partai Politik Lokal 1955–2011)* [Local Political Parties in Indonesia: Analysis of the Status and Functioning of Local Political Parties

Another problem is that Papuans who desire their country's independence do not treat political parties as a channel or as an instrument to engage in political activity within the Indonesian political framework because they are contesting Papua's very affiliation with Indonesia. Perhaps this is why they do not exert sufficient pressure on the Indonesian authorities to bring about the application of the regulations on special autonomy that concern the creation of political parties. As Hillman also points out,⁴⁶ in 2005, an organization of a separatist character active in the province of Aceh – the Free Aceh Movement (GAM) – signed a peaceful understanding with the Indonesian government de facto allowing local parties to function in Aceh. The Papuan independence movement (OPM), being considerably weaker than the one in Aceh, never had the opportunity to sign such an agreement with the Indonesian authorities, perhaps because the latter never treated the OPM as a sufficiently powerful political partner.

In addition to the principal above-mentioned political barriers to the establishment of Papuan political parties, one should also take note of other problems with the political mobilization of Papuans. Above all, their level of political consciousness is quite low, as the majority of them are primarily concerned with local community matters. The political mobilization of the population requires that large sums of money be spent by Papuan political activists, as even air travel in Papua, which has very few roads, is unusually costly. Yet those activists probably don't have access to any significant sources of funding.

There is also a group of Papuans who work with the Indonesians, who are employed in Papuan public institutions and who may not feel interested in the existence of local political parties and the political strengthening of Papuan pro-independence activists who may view them as a group of traitors. Presumably, the aim of the partial application of the act on special autonomy for Papua is to regulate political life there and, especially, to allow only the indigenous population's politically 'moderate' representatives – those who collaborate with the Indonesian authorities and agree to the political regime imposed on the Papuans – to have any part in it.

Another scenario comes to mind, however, which the Indonesian authorities may fear. Namely, the establishment of ethnic parties in Papua could draw certain representatives of the moderate Papuan elites – especially if they were to perceive some benefits for themselves in the activeness of Papuan parties and their participation in governing Papua and the redistribution of funds – into the camp of the pro-independence activists.

Presently those Papuans who wish to involve themselves in political activities can legally do so within the framework of supra-regional and inter-ethnic centripetal parties, i.e., pan-Indonesian parties. There is a chance, however, that in the future they will have the possibility of creating their own political representation. It can't be ruled out that the question of local Papuan political parties is simply something of a bargaining chip in the hands of the Indonesian authorities, who could allow them to function, but only when the Papuans give up their aspirations for independence entirely. Hillman goes so far as to state that local political parties could "provide an alternative to militancy for Papuan indigenous rights activists",⁴⁷ and that any potential pro-independence activeness on their part could carry the threat of deregistration.

1955–2011], Jakarta: Universitas Indonesia, 2012, p. 215, <http://lib.ui.ac.id/file?file=digital/20298445-T30254%20-%20Partai%20politik.pdf> (accessed 16 November 2016).

⁴⁶ Hillman, 'Ethnic Politics and Local Political Parties...', p. 436.

⁴⁷ *Ibid.*, pp. 437, 439.

In the act on special autonomy for Papua, more space was devoted to special economic rights for Papua than to political autonomy, including seemingly to its most significant element – Papuan local (ethnic) parties. In doing so, the Indonesians were probably trying to give the impression that the Papuans' greatest problems were not political but developmental ones, and that finding solutions to the latter ones was more important. In the preamble to the act on special autonomy, (pt. g) it is noted that the natural riches of Papua had not been used in optimal fashion to raise the standard of living of its indigenous population, thus creating a gap between Papua and the rest of Indonesia. This statement can be interpreted as an indication that Papua's development should be financed with funds originating from the exploitation of Papua's own natural resources. In other words, apportioning special funds for the development of Papua by the Indonesian authorities could simply mean that proportionally fewer funds derived from the exploitation of such resources should find their way to Indonesia's central budget than is the case for most other Indonesian provinces.⁴⁸

In the preamble to the act on special autonomy, (pt. h) it was also noted that, in the context of reducing the developmental gap between Papua and other parts of Indonesia, and in order to improve the Papuans' standard of living, and also in order to create prospects of development for them "a special policy is required". And so, 70–80% of the revenue derived from the exploitation of Papuan natural resources is to remain in Papua, including "70% of the revenue from the extraction of oil and gas" (art. 34(3)(b)). In addition, 20 to 90% of the taxes levied in Papua are to remain there (art.34(3)(a)). At the same time, the act on special autonomy provides for special outlays for Papua from the central budget for education, health care and infrastructure (art. 34(3)(e) and (f)).⁴⁹

In contrast to the political autonomy, the economic rights granted to Papua within the framework of the special autonomy have been implemented, but this doesn't mean the Papuans are its beneficiaries. Embezzlement of part of the funds allocated for development is a major problem in Papua.⁵⁰ Another problem that is unusually important in terms of the protection of the indigenous population's rights is the fact that the special funds are not necessarily used to improve their living standards, but are simply targeted at inhabitants of Papua, the majority of whom are now non-Papuans. As early as 2010, the share of non-Papuans in the population of Papua exceeded the number of Papuans by at least 1%,⁵¹ and this trend is growing. The non-Papuans are the ones who have the decisive voice in the matter of how the developmental funds are being spent, and these find their way above all to the cities, where the indigenous population is a small minority.

It seems that in this matter, the right of co-decision should be based on the provisions of the act on autonomy of the Papua People's Assembly (Majelis Rakyat Papua, MRP).⁵² The MRP is meant to play the role of "cultural representation of the Papua natives" and to possess limited competence in the sphere of the protection of Papuans' rights, which are based, among other things, on

⁴⁸ The same situation exists in the case of the province of Aceh.

⁴⁹ For more on issues concerning Papua's development, see also art. 7(h), art. 10(d), art. 14(e) and (f), art. 34(1)(c), art. 34(4) – (7), art. 36 (2) of the act on special autonomy.

⁵⁰ Mote, 'Special Autonomy Issue...'

⁵¹ See Elmslie, 'West Papuan Demographic Transition...', p. 4–5.

⁵² See *Bill of Law of the Republic of Indonesia No. 21/2001 on Special Autonomy for the Papua Province...*, art. 19–25; *Government Regulation No 54/2004 concerning MRP*, <http://papuaweb.org/goi/pp/2004-54-en.pdf> (accessed 17 November 2016); Papua People's Assembly (MRP), <https://papuanpeopleassembly.wordpress.com> (accessed 15 November 2016).

customs (*adat*) and local culture (art. 5.2 and art. 1(g) of the act on autonomy).⁵³ The problem, however, is that – as Indonesian legal scholars point out in their expert report – the MRP doesn't possess either legislative or executive powers.⁵⁴ This MRP can be viewed as an auxiliary body, especially of an advisory nature, with regard to Papua's provincial authorities (Papuan provincial governor(s) and provincial legislature(s)). As can be inferred, the authorities' intention was to create the impression that the Papuans play a part in the decision-making processes in Papua.

In consequence, the MRP can be seen as a fig leaf for the actions of the Indonesians. Nevertheless, even if the MRP does not have any real influence on the actions of the provincial authorities, its makeup is determined by Papua's indigenous population, and specifically by local communities (art. 24(1)). The act on special autonomy for Papua stresses the importance of the so-called *adat* communities and of their traditional powers by paying special attention to *adat* (customary) law,⁵⁵ also from the economic perspective. At the level of Papuan local communities, investors are required to respect local customs and laws; a given *adat* community must be included in any discussion on potential investments; and such investments should bring it benefits (art. 42 and art. 43). Moreover, the act on special autonomy (art. 50(2) and art. 51) entrusts the traditional judiciary with the task of settling local matters in accordance with *adat* law (art. 50 (2)), but without the possibility of condemning anyone to a jail term (art. 51(5)). In this manner, the Indonesian authorities reinforce and recognize the status of local traditional law but, at the same time, they reduce the costs incurred by the state judicial system, especially in those parts of Papua that are only accessible with difficulty and where the effective functioning of the organs of state power could be low. As can be inferred, the Indonesian authors of the act on special autonomy for Papua were probably also interested in stressing the importance of the local communities' traditional power so as to reduce the possible role of indigenous supra-local politicians in Papuan politics, if not to place traditional power in opposition to them.

To end this analysis of the most important elements of the act on special autonomy that are consociational in character, the degree of their implementation and their role, it is worthwhile to note that in many matters of fundamental importance, it fails to grant any substantial powers to either Papua's provincial authorities,⁵⁶ and even less to traditional local power institutions. And so, for example, the heads of police in the Papuan provinces are responsible only to the head of the Indonesian state police (art. 48(7)). Similarly, the authorities in Papua have no influence on the actions of the army on their territory (art. 4(1)). Matters of religion are also outside their domain (art. 4(1)), and so is the judiciary, with the exception of the above-mentioned traditional judiciary, and the prosecutor's office, which are directly answerable to the Indonesian authorities (art. 50 and art. 52).

The provision of the act on autonomy in accordance with which the provincial governor(s) and assistant-governor(s) (who are elected by the provincial legislatures) have to be "native Papua"

⁵³ See also Papuan People's Assembly (MRP), *Rights and Duties of the Papuan People's Assembly*, <https://papuanpeopleassembly.wordpress.com/2012/05/29/rights-and-duties-of-the-papuan-peoples-assembly> (accessed 17 November 2016).

⁵⁴ Yulianus Payzon Aituru, Aminuddin Ilmar, M. Yunus Wahid and Faisal Abdullah, 'The Legal Standing of the Papuan People's Assembly on Local Government System in the Province of Papua', *Journal of Law, Policy and Globalization*, Vol. 48, 2016, p. 151.

⁵⁵ See pt. c of the preamble to the act on special autonomy.

⁵⁶ Cf. Jacques Bertrand, 'Indonesia's Quasi-Federalist Approach: Accommodation Amid Strong Integrationist Tendencies', *International Journal of Constitutional Law*, Vol. 5, Issue 4, 2007, <http://icon.oxfordjournals.org/content/5/4/576.full> (accessed 16 November 2016).

(art. 12(a)) may seem to be a concession toward Papua's indigenous population. They are required, however, to be "faithful to the Unitary State of the Republic of Indonesia" (art.12.f), while "as representative(s) of the government the governor(s) shall be responsible to the president of Indonesia" (art. 18(3)). In consequence, only Papuans who fully respect Papua's affiliation with Indonesia and who implement and endorse its policies can become governors of the Papuan provinces.

Conclusion

Indonesia's political elites were and remain interested in limiting the pro-independence aspirations of the Papuans and, at the same time, to consolidate Papua's affiliation with Indonesia. The full implementation of the 2001 act on special autonomy for Papua could have a counterproductive effect on the pursuit of this aim. As a consequence, the consociational solutions guaranteed by law for Papua have not as of yet been fully implemented and most probably never will. It can be inferred that the idea of adopting them had been from the beginning a tactical movement aimed at gaining time for the Indonesian authorities. The act on special autonomy was adopted at a time when – due to the political relaxation which accompanied the Indonesian democratization process – pro-independence sentiment was on the rise in Papua, and the indigenous population still outnumbered the migrants from the Malay Archipelago. Today the situation has diametrically changed, however. Papuan political activists were so effectively pacified by the Indonesian apparatus of repression, that pro-independence sentiments no longer constitute any serious threat for Indonesia's territorial integrity. In addition, the Papuans now represent less than half of Papua's population, as a result of the state-sponsored policy of migration of people from overpopulated areas of Indonesia.

In order to better understand the sense of the tactics adopted by the Indonesian political elites with regard to Papua, it is necessary to note the wider context of the political situation in Indonesia at the turn of the 20th to the 21st centuries, i.e., at the initial stage of the democratic changes. The end of authoritarian governments in Indonesia brought a political relaxation which led to the awakening in various parts of the country of many animosities between certain ethnic and religious segments that had lain dormant for many years. Part of the political elites, especially the Javanese ones, thought at the time that the secession of certain parts of Indonesia was a real threat. This problem was symbolized by East Timor's official independence in 2002. Separatist tendencies were then especially animated in the Sumatran province of Aceh, which is rich in oil and natural gas deposits.⁵⁷ Moreover, the situation was also uncertain in the multi-ethnic Maluku Islands in the eastern part of the Malay Archipelago, in the present provinces of Maluku and Northern Maluku, where certain ethnic groups are Muslim and others Christian. The bloody conflict between the two religious communities that lasted between 1999 and 2002 could have revived the separatist aspirations on the Maluku Islands that had been strong in the past, especially in 1950–1963.⁵⁸

⁵⁷ Aceh's separatists signed a peace deal with the Indonesian authorities in 2005. See *Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement*, signed in Helsinki, 15 August 2005, p. 2, <http://www.ucdp.uu.se/downloads/fullpeace/Ind%20050815.pdf> (accessed 21 November 2016). The consequence of this agreement was the adoption and implementation of the law on special autonomy for Aceh. See *Undang-Undang Republik Indonesia No. 11 Tahun 2006 tentang Pemerintahan Aceh* [Law of the Republic of Indonesia No. 11 of 2006 on Governing Aceh], <http://pih.kemlu.go.id/files/UU%2011-%202006.pdf> (accessed 21 November 2016).

⁵⁸ In 1950 Maluku separatists even took control of certain islands for a short time and proclaimed the Republic of South Maluku.

The solely tactical nature of the consociational promise for Papua is further corroborated by the fact that when Indonesia was threatened with territorial disintegration at the turn of the 20th to the 21st centuries, its authorities wanted to limit or to mitigate various internal conflicts using all methods at their disposal, including making empty promises. There is also another equally important circumstance that supports the article's main thesis. Namely, the consociational promise for Papua allowed the authorities in Jakarta to gain the necessary time to carry out their transmigration policy and to achieve the numerical advantage that no-Papuan migrants enjoy over the indigenous population.⁵⁹ Presently, when the indigenous population in Papua is in a minority with regards to the affluent population, even the full implementation – strengthening the Papuans' group rights in the spirit of consociationalism – of the special autonomy along with the right for local (ethnic) parties and traditional power institutions to function, with special economic rights (obtaining extraordinary development funds, the right to an important part of the proceeds from the exploitation of natural resources) wouldn't help gain any significant degree of real autonomy from Indonesia. In turn, the special funds provided by the act on special autonomy for Papua for the development of its territory are most useful for the population of migrants who mostly live in cities, where the largest portion of these funds is spent.

The failure of the consociational promise for Papua to materialize means that Papuans are de facto excluded from the decision-making process that affects their own affairs. The following groups should be named as the chief beneficiaries of this state of affairs: the Indonesian authorities (especially the Javanese political elites), members of the Indonesian apparatus of repression in Papua (above all the army officer corps), and migrants to Papua from other islands, especially those from Java. All three of those groups have profited from the present situation. The Indonesian authorities especially gained the means to benefit to an unlimited degree from Papua's numerous natural resources, a partial reduction of the overpopulation problem in certain parts of Indonesia,⁶⁰ and the incorporation of Papua within Indonesia. For the Indonesian elite, this incorporation also stands as the symbol of the ultimate victory and international shaming of their former colonial master, the Netherlands. Members of the Indonesian apparatus of repression in Papua were left free to engage in and profit from various types of illegal activities in Papua with the tacit approval of the central authorities. Migrants to Papua in turn, got the opportunity to build their prosperity on better conditions than the ones available where they came from, if only thanks to better access to farmland or better pay, particularly in the mines, in trade and in public administration.

It is difficult in contrast to point to any advantages benefiting the Papuans from the incomplete implementation of the consociational promise for Papua. Quite the opposite, Papua's indigenous population, deprived of the opportunity to realize their group interests, is victimized in both political and economic terms. It has to contend very seriously limited avenues to defend its group

⁵⁹ The transmigration to Papua programm was officially suspended in 2015. See Sabrina Asril, 'Jokowi Hentikan Transmigrasi ke Papua' [Jokowi Stops Transmigration to Papua], *Kompas*, 4 June 2015, <http://nasional.kompas.com/read/2015/06/04/18471741/Jokowi.Hentikan.Transmigrasi.ke.Papua> (accessed 21 November 2016).

⁶⁰ The taking over of agricultural land in Papua by migrants could mitigate to a degree the penury of arable land, especially on the severely overpopulated island of Java. This most important of Indonesian islands is also the world's most heavily populated island, whose area of about 128,000 km² is home to about 141 million people (with about 145 million overall in 6 Javanese provinces, which encompass islands in the vicinity, including the overpopulated island of Madura). These figures are from 2015. See *City Population*, <http://www.citypopulation.de/Indonesia-CU.html> (accessed 23 November 2016). In keeping with this data, the average population density on Java itself amounts to 1133 inhabitants per km².

rights. If there were no migration to Papua or if it were seriously limited, such an avenue could have been the possibility of creating Papuan political parties that would have, at the very least, made it possible to participate in the distribution of funds allocated for Papua's development.

Obviously, conditions do not favor Papua's independence or its possible unification with the already existing Papuan state, Papua New Guinea (PNG), and it seems unlikely they will in the foreseeable future. Such options are off the table as far as the Indonesian authorities are concerned, for political, economic, and prestige reasons. There is also the lack of serious external support for the idea of Papuan independence, as Indonesia goes to some length to ensure its territorial integrity is not questioned on the international stage.⁶¹ As to the Papuans, they are not in a position to win their independence with arms, even supposing they would like to. In such a situation, it would be worthwhile to note the potential benefits for the Papuans deriving from the very fact of that Papua is part of Indonesia. Indonesia, the world's 16th largest economy,⁶² is certainly able to allocate many times more funds for Papua's development than the Papuans would have been able to generate within their own state or as a part of the PNG. This would require political will, however. It is perfectly conceivable that the Papuans living in Indonesian Papua will in time enjoy a much higher standard of living than their Papuan citizens of PNG, including a higher sense of security, better access to education, health care, and various goods and services, and more possibilities to earn a decent living. The present level of civilizational development of Papua's indigenous population in comparison with other Indonesian citizens is so basic that a patient if arduous, but consistent and sincere, effort to raise it by the Indonesian authorities could produce visible effects in the form of an effective improvement of Papuans' living standards. The prosperity of Papuans could in turn have a positive impact on their degree of satisfaction with being in Indonesia. Considering the question overall, one can conclude that the future prosperity of the different ethnic groups that make up Indonesia, including the Papuans, could prove a more effective cement for Indonesia's multi-segmental society than power-sharing type solutions and military countermeasures aimed at pro-independence sentiment and separatism.

⁶¹ See, for example, 'Indonesia Warns Other Countries to Respect Its Sovereignty over Papua', *The Guardian*, 21 December 2015, <https://www.theguardian.com/world/2015/dec/21/indonesia-warns-other-countries-to-respect-its-sovereignty-over-papua> (accessed 21 November 2016).

⁶² In keeping with World Bank estimates, Indonesia's nominal GDP in 2015 amounted to approx. 862 billion USD, a figure which made that country the 5th economy in Asia and the 16th in the world. See World Bank, *Indonesia*, <http://www.worldbank.org/en/country/indonesia> (accessed 22 November 2016).

Hybrid Regime and Rentier State: Democracy or Authoritarianism in Iran?

Abstract

This paper aims to show that authoritarianism was elevated with the establishment of a rentier state in Iran. Despite several attempts to undergo democratization, the Islamic Republic of Iran was ultimately established in 1979. Although there are numerous possibilities of an emerging authoritarianism due to the disadvantages of a rentier state, there is an argument which refuses to consider the Iranian regime as authoritarian. According to this idea, political party activists and also the election system have prevented the rise of authoritarianism in the country. Thus, the Iranian regime can be considered a hybrid regime. In understanding this idea, with attention given to the theory of hybrid regimes, the present research attempts to analyze the political factors that signify authoritarianism and also democracy in the political structure of the Iranian government.

Introduction

Hossien Mahdavi (1970)¹ considers rentier states as those states that receive, on a regular basis, substantial amounts of petro-dollars as an external rent. External rents are in turn defined as rentals paid by foreign individuals, concerns or governments of a given country. Mahdavi believes that massive amounts of foreign currency and credit, generated by petroleum development, flooded into the state coffers and turned at least some oil-producing countries into rentier states. The problem is that the oil revenues received by the governments of the oil exporting countries have very little to do with production processes of their domestic economies and the inputs from the local economies.

Consequently, distributing rents is the main function of rentier states. In addition, the rents empower the state and break linkages between the people and the state, making rentier states independent from society. It must be considered that rentier states are likely to tax their populations less heavily and in most cases taxation is low. Therefore, the rentier state maximizes its power via the strength of its authority and its dependency on oil revenue. In other words, oil revenue is the source of a rentier state's power both domestically and globally. This makes rentier states autonomous from society, societal demands, and political accountability and transparency. Thus, it can be seen that an authoritarianism regime is one product of a rentier state.

In the case of Iran, oil income accounts for 50% of the national budget and is the main source of the government's budget. Iran holds some of the world's largest deposits of proven oil and natural gas reserves, ranking it the world's fourth-largest and second-largest reserve holder of oil and natural gas, respectively. Iran also ranks among the world's top 10 oil producers and top 5 natural gas producers. Iran produced almost 3.4 million barrels per day (b/d) of petroleum and other liquids in 2014 and an estimated 5.7 trillion cubic feet (Tcf) of dry natural gas in 2013.²

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¹ Hossein Mahdavi, 'The Patterns and Problems of Economic Development in Rentier States: The Case of Iran', in *Studies in the Economic History of the Middle East*, M.A. Cook (ed.), Oxford: Oxford University Press, 1970, pp. 428–467.

² U.S. Energy Information Administration, <http://www.eia.gov/beta/international/analysis.cfm?iso=IRN> (accessed 5 July 2015).

In 1979, the Pahlavi regime ended, but the disadvantages of the rentier state have remained. Since the revolution, the state has held multiparty elections, but the persistence of authoritarian forms of rule in different sectors has remained. Thus, a question is raised as to whether the Iranian state is still authoritarian or not. To understand this issue, on the basis of accepted theories of hybrid regimes, the structure of political systems and state policies in these sectors will be analyzed.

The Theory of Hybrid Regimes

“Hybrid regimes” is a term employed by scholars to describe new regimes, most of which emerged during the 1960s and the 1970s. Considering the resiliency of a few pre-war regimes, the failure of many democracies in Latin America, and the political evolutions of many newly independent countries in Asia and Africa, scholars focused their efforts on grasping the origins and nature of the emerging regimes. These regimes, despite holding multiparty elections, still demonstrate a persistence of authoritarian forms of rule and thus pose significant challenges for typological classification. As a result of this dilemma, scholars have created a host of concepts to capture the mixed, or “hybrid”, nature of these regimes. Hybrid regimes, simply defined, are states that can neither be labelled as wholly democratic or wholly authoritarian.³

The products of hybrid regimes have been classified in two forms: variants of democracy or authoritarianism. While the first approach stresses the democratic nature of hybrid regimes, the second emphasizes their authoritarian form of rule despite the ‘guise’ of democratic institutions.⁴ This is because these countries may have a multi-party system and regular elections but there is a problem with developed law or political liberties for instance. This is due to the fact that some elements which are associated with democracy and are easier to be established in the shorter term, such as elections, exist in these countries, but other elements such as the rule of law, which is dependent on deeper structures and needs a longer term to become established, do not. In this situation there is a possibility of unfree or unfair elections. Based on statistical analysis, there were multiparty elections in 135 countries with authoritarian regimes during the period 1975–2000, which neither support nor threaten these regimes.⁵

Therefore, in distinguishing between democracies with authoritarianism a minimal definition can be established whereby all regimes that have at least the following characteristics should be regarded as democratic: a) universal suffrage, both male and female; b) free, competitive, recurrent and fair elections; c) the existence of more than one party; d) different and alternative forms of media.⁶ Based on these factors, the type of regime in question does not fulfil the minimum requirements of a democracy – in other words, it does not meet all the more immediately controllable and empirically essential conditions that make it possible to establish a threshold above which a regime cannot be considered democratic. They are non-democratic because they do not meet standard pro-

² Andrea Cassani, ‘Hybrid what? The contemporary debate on hybrid regimes and the identity question’, XXVI Convegno SISP, 13–15 September 2012, <http://www.sisp.it/files/papers/2012/andrea-cassani-1445.pdf> (accessed 10 July 2015)

⁴ Leah Gilbert and Payam Mohseni, ‘Beyond Authoritarianism: The Conceptualization of Hybrid Regimes’, *Studies in Comparative International Development*, Vol. 46, September 2011, p. 272.

⁵ See: Jason Brownlee, *Authoritarianism in an Age of Democracy*, Cambridge: Cambridge University Press, 2007.

⁶ Leonardo Morlino, ‘Hybrid Regimes or Regimes in Transitions’, Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), 2007, http://fride.org/download/WP70-Hybrid_regimes_ENG_sep08.pdf (accessed 6 January 2015).

cedural minimum criteria for democracy. In these countries, elections are often unfair and basic civil and democratic rights are often violated. However, they differ from full-blown autocracies in that incumbents are unable (or unwilling) to eliminate meaningful democratic institutions and consolidate authoritarian rules of the game. Thus, even though formal democratic rules are not systematically enforced or adhered to, they are nevertheless taken seriously and may be used by opposition groups to contest power. These types of regimes have been considered as a competitive authoritarianism.⁷

Steven Levitsky and Lucan A. Way in their work, ‘Competitive Authoritarianism: Hybrid Regime Change in Peru and Ukraine in Comparative Perspective’ have introduced competitive authoritarian regimes resulting from hybrid regime transitions. According to them, “competitive authoritarian regimes are regimes in which formal democratic rules exist and are taken seriously, but in which incumbents violate those rules with such frequency, and to such a degree, that they cannot be labelled democratic”.⁸

In reviewing the possibilities of the emergence of a competitive authoritarian regime, Levitsky and Way have considered competitive authoritarianism regimes as the product of three distinct regime paths. One path is the decay of a full-blown authoritarian regime, due to the weakness of pro-democratic forces. In this situation the transition falls short of full democracy, and incumbents are able to maintain themselves in power by manipulating or selectively adhering to the new democratic rules. A second path to competitive authoritarianism is the decay of a democratic regime. In these cases, deep and often longstanding political and economic crises create conditions under which elected governments undermine democratic institutions – via either a presidential ‘self-coup’ or selective, incremental abuses – but lack the capacity to eliminate democratic institutions entirely. A third path to competitive authoritarianism is the collapse of an authoritarian regime and its replacement by a competitive authoritarian regime. In these cases, weak electoral regimes emerge, more or less by default, in the wake of the old regime’s collapse. Although the absence of strong democratic traditions, institutions and civil societies create opportunities for elected governments to rule autocratically, these governments lack the capacity to consolidate authoritarian rule.⁹

Levitsky and Way talk about competitive authoritarianism as a product of hybrid regime, while emphasizing competitive elections, Leah Gilbert and Payam Mohseni have classified hybrid regimes in three different subtypes. They are all similar in that they hold competitive elections. They differ based on their particular arrangement of non-democratic attributes, such as low civil liberties and/or tutelary institutions. The first subtype is the “illiberal hybrid regime”, which is the most similar type to Levitsky and Way’s concept of competitive authoritarianism. The regimes hold competitive multiparty elections. The second subtype is the “illiberal tutelary hybrid regime”. The regimes are competitive, illiberal and have tutelary institutions. The third subtype is the “tutelary hybrid regime”. While the regimes broadly protect civil liberties and have competitive elections, tutelary institutions interfere in politics.¹⁰ These arguments can be used to understand what characterizes the Iranian state and its direction to variants of democracy or authoritarianism.

⁷ Steven Levitsky and Lucan A. Way, ‘Competitive Authoritarianism: Hybrid Regime Change in Peru and Ukraine in Comparative Perspective’, the Annual Meetings of the American Political Science Association, San Francisco, CA, 30 August – 2 September, 2001, p. 1.

⁸ *Ibid*, p. 3.

⁹ *Ibid*, p. 4.

¹⁰ Gilbert and Mohseni, ‘Beyond Authoritarianism...’, pp. 291–292.

Formation of Rentier State and Authoritarian Regime in Iran (1973–1979)

The years 1973 to 1976 saw a rentier state with economic and political characters formed in Iran. It started with the ‘first oil shock’¹¹ which led to rises in oil prices and a substantial increase in Iran’s oil revenue amounting to 18.5 billion USD in 1974 and 19 billion USD in 1975–1976, an eightfold increase from the 1972 figure. The country’s Fifth Development Plan (21 March 1973 to 21 March 1978) indicated that the oil sector alone would fetch 102 billion USD in foreign exchange of total receipts of 114 billion USD, thus oil revenues accounted for 89% of foreign exchange receipts. Imports of goods, services and debt repayments were anticipated to be financed from the oil earnings.¹² Consequently, the government expenditure as a percentage of GDP rose from 27% in 1971 to 48% in 1976. During these years, Iran enjoyed one of the fastest growth rates in the world: the economy grew at an average rate of 9.8% in real terms, and real per capita income grew by 7% on average. Conversely, industry and services both grew. Especially interesting is the rapid growth of the service sector, which by 1977 accounted for 56% of the non-oil GDP.¹³

The state became the main vehicle of industrialization as the role of society in the economy declined. At the same time, oil rents enabled the Iranian government to forgo domestic taxation. Furthermore, the state preferred indirect taxes to politically sensitive direct taxes. Between 1963 and 1975, government income generated from direct taxation increased from 1.1% of the GNP to 1.5%. Over the same period, indirect taxes increased from 6.9% of GNP to 8%. By the 1970s it was clear that, despite the fact that the state sector dominated the Iranian economy, the state had failed to develop effective taxation machinery.¹⁴ In 1975 government tax revenues equaled 9.5% of GDP, whereas the comparable figure for developing countries in general was 18.1%. In addition, tax evasion was common. In 1975, for example, of 20,000 registered companies only 9,362 filed returns. Some 43% of the returns declared losses.¹⁵

As the result, the form of the rentier state became autonomous from society and authoritarianism emerged. On 2 March 1975, Mohammad Reza Shah Pahlavi announced to a stunned nation the abolition of the multi-party system in Iran. Its replacement was a single-party, the Rastakhiz. With the rise of authoritarianism, the SAVAK (Sazeman-i Ettelaat va Amniyat-i Keshvar) which was the National Organization for Intelligence and Security intensified its activities. SAVAK’s activities were mainly gathering intelligence and neutralizing the regime’s opponents. In addition, an elaborate system was created to monitor all facets of political life. For example, a censorship office was established to monitor journalists, literary figures, and academics throughout the country; it took appropriate measures against those who fell out of line. Universities, labor unions, and peasant organizations, among others, were all subjected to intense surveillance by SAVAK agents and paid informants. The agency was also active abroad, especially in monitoring Iranian students who publicly opposed Pahlavi rule.¹⁶

¹¹ The world oil shock of 1973 began in earnest on 17 October 1973, when Arab members of OPEC, in the midst of the Yom Kippur War, announced that they would no longer ship petroleum to nations that had supported Israel in its conflict with Egypt – that is, to the United States and its allies in Western Europe.

¹² *Iran’s Fifth Development Plan*, Tehran: Plan and Budget Organization, January 1975, p. 41.

¹³ Various reports.

¹⁴ Hootan Shambayati, ‘The Rentier State, Interest Groups, and the Paradox of Autonomy: State and Business in Turkey and Iran’, *Comparative Politics*, Vol. 26, No. 3, 1994, p. 320.

¹⁵ *Ibidem*.

¹⁶ Ministry of Security SAVAK, Global Security, 28 July 2011, <http://www.globalsecurity.org/intell/world/iran/savak.htm> (accessed 20 October 2014).

Although the Iranian state seemed to be autonomous, strong and stable, by increasing the Shah's authority, society's demands and opponents became a source of threat to the state's stability. The Shah believed that with Iran's newfound wealth he could buy the political allegiance and acquiescence of the people.¹⁷ But he was wrong. Demands for freedom of speech, press and assembly became more strident over the years. Ultimately, the increase of political demands and economic development led to the revolution in 1978–1979.

The Islamic Republic of Iran: A Hybrid Political System

The aim of the revolution was the establishment of a democratic regime, however many years later, the regime of the Islamic Republic of Iran is not characterized as a democratic regime by scholars. It is argued that the Iranian Constitution is a curious hybrid of theocratic, authoritarian and democratic elements.¹⁸ It is a constitutional, theocratic republic in which Shi'a Muslim clergy and political leaders vetted by the clergy dominate the key power structures, the supreme leader. The political system is composed of a complex network of elected and non-elected institutions that control each other along the decision-making process. The government has a legislature and a president, both selected by Iranian voters, but it also has a supreme leader, whose title makes clear that he has more power than the president and is not democratically elected. His power effects the whole political system.

Supreme Leader: This is the nature of Iran's political system, with its power split between two centres – the president and the supreme leader. This has complicated and slowed down the process of changes and democratization.¹⁹ The role of the supreme leader in the Iranian constitution is based on the ideas of Ayatollah Rohullah Khomeini, who positioned the leader at the top of Iran's political power structure. Although, the supreme leader, elected by the Assembly of Experts, may be dismissed at any time by that body,²⁰ he has broad and nearly unlimited power. According to the constitution, the supreme leader directly appoints the head of the Judiciary, military officers, the Expediency Council, a majority of the Guardian Council members, Friday prayer leaders and the head of Radio and TV. He also confirms the president's election and the heads of dozens of political, economic and cultural institutions.²¹ For thirty five years, Iran had two supreme leaders; Ayatollah Rouhollah Khomeini and Ayatollah Ali Khamenei. Ayatollah Khomeini led the post-revolutionary government until his death in 1989. A high-ranking traditionalist cleric, Ali Khamenei, then assumed the executive office of supreme leader and has held it until the present day.

President: The President is the highest elected official in the Islamic Republic of Iran and is the second highest-ranking figure in the country. According to the constitution, the president is responsible for the "functions of the executive", such as signing treaties, agreements etc. with other countries and international organizations; the national planning and budget and state employment

¹⁷ Abbas Milani, 'Opposition to the Islamic Republic, Latest Step in Decades of Struggle', *Rozaneh Magazine*, <http://www.rozanehmagazine.com/SeptOct.03/AMilaniSepOct03.html> (accessed 10 June 2013).

¹⁸ Francis Fukuyama, 'Iran, Islam and the Rule of Law', *The Wall Street Journal*, 27 July 2009.

¹⁹ Ramin Jahanbegloo, 'The Green Movement and Non-Violent Struggle in Iran', *Eurozine*, 5 September 2012, <http://www.eurozine.com/articles/2012-09-05-jahanbegloo-en.html> (accessed 4 January 2014).

²⁰ Constitution of Iran, article 110. <http://www.iranonline.com/iran/iran-info/government/constitution.html> (accessed 20 July 2015).

²¹ *Ibidem*.

affairs, the appointing of ministers, governors, and ambassadors subject to the approval of the parliament.²²

The influence and power of the president has been limited by the supreme leader in various sectors such as foreign policy. The president has control over foreign policy, the armed forces, nuclear policy and the main economic policy of the Iranian state, but all this can change due to the influence of the supreme leader. In fact, in practice, presidential powers are circumscribed by the authority of the supreme leader. It has been the supreme leader, not the president, who has controlled the armed forces and made decisions on security, defence and major foreign policy issues for almost the last decade.²³ However, there have been various situations in which the power of the president has affected the decisions of the supreme leader. For instance, Ayatollah Khomeini had the final say on state affairs, but during the Ayatollah Ali Khamenei leadership, which coincided with the Akbar Hashemi Rafsanjani presidency, the centre of power was not with the supreme leader due to Rafsanjani's position.²⁴ Under the control of Rafsanjani, the reformist candidate Mohammad Khatami won the election (1997–2004). The reformists accomplished dramatic victories at the polls, creating a situation of dual sovereignty in which Khamenei and his allies controlled the clerical portions of government while aspiring democrats, backed by 70% of the electorate, won the presidency and parliament. This intra-institutional standoff persisted until the spring of 2004 when traditionalist clerics excluded reformist candidates from legislative elections, with their influence in the Guardian Council.²⁵

Political Parties: It is important to know that the nature of the party system in Iran can only be understood by gauging the meaning of the political blocs (Jenahs) structure. There are different ideas about political, economic and cultural issues in Iranian society. So, the ideas which are close to each other come together under an umbrella of one Jenah. The Jenah as a political institution is bigger than a party and it is nearer to a political bloc.²⁶ Before the ousting of President Abolhasan Banisadr (the first president of the Islamic Republic of Iran) on 21 June 1981, all the Jenahs in the Islamic Republic of Iran were only of two kinds: Islamic and Nationalist. After that, new Jenahs – such as ‘the left’ and ‘the right’ – came into existence. The Jenahs engage in political, economic and cultural issues, for example, parties in the Right Jenah tend to emphasize traditional culture over modernism, while in contrast parties in the Left Jenah are not very sensitive to this issue and believe in revision, revitalization and making tradition more effective and supportive of the use of modernism in culture. In foreign policy, the Right Jenah is radical and the Left Jenah is liberal. In economic issues all parties believe in the free market economy and the expansion of trade.²⁷

The key parties in Iran have been the Association of Combatant Clerics, the Executives of the Construction Party, the Islamic Revolution Mojahedin Organization, the Islamic Iran Participation Front party, and the National Trust Party are among those on the Left, while the Islamic Coali-

²² Constitution of Iran, article 115.

²³ Ramin Jahanbegloo, ‘Who is in Charge in Iran’, *Heartland Magazine*, 2005, pp. 6–13; www.tritaparsi.com/2005_04_unveiling_iran.pdf (accessed 25 July 2015).

²⁴ Mehdi Khalaji, ‘Iranian President Ahmadinezhad’s Relations with Supreme Leader Khamenei’, The Washington Institute for Near East Policy, www.washingtoninstitute.org/print-php?template=C05 &CID=2514-11k (accessed 10 June 2015).

²⁵ Brownlee, ‘Durable Authoritarianism...’, p. 26.

²⁶ ‘The nature of the party system in Iran’, http://www.sssup.it/UploadDocs/13476_6_R_the_nature_of_party_system_in_Iran_13.pdf (accessed 11 June 2015).

²⁷ *Ibidem*.

tion party, the Society of the Combatant Clergy of Tehran, the Islamic Society of Engineers and the Population of Defence of the Islamic Values are among the Right wing parties.

The political parties have been treated differently by the government since 1982 when groups and parties gathered under the umbrella of Jenahs. The Iranian constitution recognizes the formation and activity of political parties. According to article 26 of the constitution and under the general framework of the “Freedom of Association”, the constitution states that the formation of parties, societies, political or professional associations, as well as religious societies whether they are Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.²⁸

However, unlike the accommodations that article 26 has to some extent provided in the framework of religious rule, in 1982 the Law of Operation of Parties and Associations (governing societies and professional, political, and Islamic associations and the associations of recognized religious minorities) was passed by the Mejlis. This law defines a party, society, association, Islamic association or association of religious minorities and specifies the procedure for registering and issuing permits for them. With this law, the free formation of a political party is made more difficult and a tightening of the political sphere and the removal of parties from it is made easier for those in power. With the passage of this law, the legal opportunity was taken away from those supporting the idea of separating religion from the state and from the secular-minded of any political group or persuasion. Based on the new law, the operation of groups is considered free, of course, as long as they do not commit the violations specified in Paragraph 16 of the same law. These include:

1. Actions that will jeopardize the independence of the country.
2. Any contact, information exchange, collusion, and conspiracy with embassies, representatives, government agencies, and political parties of foreign countries at any level and in any way that is harmful to the freedom, independence, national unity and interests of the Islamic Republic of Iran.
3. Receiving any financial and material assistance from foreigners.
4. Violation of the legitimate freedom of others.
5. Spreading accusations, defamation, and rumors.
6. Damaging national unity and actions that lead to the disintegration of the country.
7. Promoting divisions within the different sectors of the nation by manipulating cultural, religious, and racial differences present in Iranian society.
8. Damaging Islamic principles and the fundamentals of the Islamic Republic.
9. Anti-Islamic propaganda and spreading deviant books and publications.
10. Concealing, keeping, and carrying illegal weapons and ammunition.²⁹

According to the law, the public courts of justice are the competent authorities to process such cases and a party or organization that is sentenced to dissolution in the initial stage has the right to appeal for a hearing in courts of justice and even before that, when the Commission set up

²⁸ Constitution of Islamic Republic of Iran, 2015.

²⁹ Political Parties Law, *Iran Data Portal*, 1 April 2013, <http://irandataportal.syr.edu/political-parties-law> (accessed 10 September 2015).

by paragraph 10 has revoked an organization's permit, the organization or party in question may file a lawsuit in courts of justice against this decision made by the Commission (Paragraph 13).³⁰

Referring to this law, in 2010, thousands of opposition supporters were rounded up after the mass street protests following the June 2009 vote. Following that the Islamic Iran Participation Front and the Islamic Revolution Mojahedin Organisation were dissolved by an Iranian court. Both supported opposition leader Mir Hossein Mousavi, the main challenger to President Mahmoud Ahmadinejad in the disputed presidential election of 2009. Members of both parties were jailed during the government's efforts to stifle the mass protests that followed.

Elections: according to the constitution, the Guardian Council has the politically sensitive duty of supervising the elections of the Assembly of Experts, the President, Mejlis, and referendums. Dominated by conservative right factions, the Guardian Council has been an instrument of political control, particularly in the aftermath of Ayatollah Khomeini's death. Election laws allow the Council to disqualify applicants who are found not respecting Islam. For instance, the Guardian Council, has disqualified thousands of applicants from contesting the February 20 parliamentary election in 2004. Based on this screening standard, pre-election disqualifications have been particularly hard hitting against members of the Islamic Iran Participation Front, a reformist political party.

The Guardian council consists of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary and approved by parliament. The council can bar candidates from standing in elections to parliament, the presidency and the Assembly of Experts. Reformist attempts to reduce the council's vetting powers have proved unsuccessful and the council banned all but six of the candidates from more than 1,000 hopefuls in the 2005 elections. Two more, both reformists, were permitted to stand after the Supreme Leader intervened.

Rentier State and Hybrid Regime

After the Islamic Revolution, the economy became more state-dominated in terms of national resources and particularly in the oil and gas sector. These changes were in full compliance with the revolutionary ideology, which argued that oil deals were serving the western countries and U.S. rather than Iran's national interests. Thus, the Islamic government announced that oil is national wealth and must be reserved for the next generations. According to this idea the government will reduce its dependency on the oil. Therefore, in 1980 all NIOC's joint venture and service contract agreements with foreign oil companies were terminated.³¹ The result was oil production fell 75% between 1979 and 1981.³² In addition, Iran's share of total oil trade peaked at 17.2% in 1972 and then declined to 2.6% in 1980.³³

As the matter of fact, the decline in oil production was aggravated by the U.S. embargo and Iran-Iraq war. The outbreak of war with Iraq was followed by physical damage to oil installations. The large Abadan refinery was strongly damaged by Iraqi attacks in 1980 and 1982. Although oil production sharply declined, high oil prices, due to an internecine war between two leading oil pro-

³⁰ Ibidem.

³¹ 'Oil', *Global Security*, <http://www.globalsecurity.org/military/world/iran/oil.htm> (accessed 10 July 2013).

³² Anthony Cordesman and Khalid al-Rodhan, *Iran's Weapons of Mass Destruction: The Real and Potential Threat*, Washington: Center for Strategic & International Studies, 2006, p. 315.

³³ Mohaammad Hashem Pesaran, 'The Iranian Foreign Exchange Policy and the Black Market for Dollars', *Middle East Journal*, Vol. 24, No. 1, 1992, pp. 101-125.

ducers Iran and Iraq, boosted it again and therefore Iran's total oil revenue increased from 11,693 USD in 1981 to 20,273 USD in 1983.³⁴

However, in 1986, the need for weapons to continue the war as well as the unexpected sharp decline in oil revenues to 5.9 billion USD a year gave the government a hard time.³⁵ Therefore, although the revolutionary government was committed to reducing Iran's dependence on oil and had a stated policy of restricting output to less than three million barrels per day, the situation forced it to revamp its oil sector.

While in the first decade the government was revolutionary, it seems that these difficulties gave the rivals of radical groups – conservatives and pragmatists – the opportunity to strengthen themselves and gain more power at the expense of the radicals.³⁶ In addition Khomeini started to reduce his radical views and then sided with less conservative and pragmatic figures and groups to save the revolution. The most important pragmatic decision that was taken by Khomeini was his agreement to stop the war with Iraq. This unexpected decision reflected the reduction of his radical views. As a result, conservatives and pragmatists started to voice their policy in 1987.

Iran under Rafsanjani reclaimed its place as the world's second largest exporter of oil after Saudi Arabia, which exported about seven and a half million barrels a day. Iran was producing roughly 3.5 million barrels a day and exported about 75% of this, mainly to Japan and Western Europe.³⁷ This was a time of rising radical groups. Thus, by controlling the Fourth Mejlis, conservatives – backed by Khamenei – were able to stop Rafsanjani from achieving his goal of ending hostility with the United States, as well as an open the door for foreign investment.³⁸

Although Khamenei did not support Khatami's policy because of the Iran situation, he could not reject him also. One of the most important elements was oil. As matter of fact, Khatami's approach toward the European countries was influenced mostly by the weak economy that resulted from the long War with Iraq, as well as from continuing low oil prices. For example, total Iranian oil revenue was around 10 billion USD in 1998, increasing to about 16 billion USD in 1999.³⁹ However, this oil revenue did not meet the State's needs. At the same time, the Iranian economy suffered from low investment in different industrial areas, that led to an increase in the number of unemployed. Thus, an opening to foreign investment was seen as a way of solving some of the problems and bringing some respite to the Iranian economy.

Iran's income from exports of crude oil and petroleum by products topped 36 USD billion in the first eight months of 2007 (which begins on 21 March), marking an increase of 15%. The total oil income of Iran in the first half of 2008 was 54 billion USD, which was only 3 billion USD shy of its oil income of 57 billion USD for all of 2007.⁴⁰ Due to high oil prices, Iran's foreign currency

³⁴ OPEC, *Annual Statistical Bulletin 2004*, http://www.opec.org/opec_web/en/publications/202.htm (accessed 2 September 2013).

³⁵ Ibidem.

³⁶ Bahram Rajaei, 'The Political Evolution of the Islamic Republic and U.S. Foreign Policy After September 11', *Comparative Studies of South Asia, Africa and the Middle East*, 24 January 2004, p. 162.

³⁷ US Energy Administration Information, *Iran*, <http://www.eia.gov/beta/international/analysis.cfm?iso=IRN> (accessed 10, September 2011)

³⁸ Jalil Roshandel, 'Iran's Foreign Policy and the Iran-Pakistan-India Gas Pipeline', *The Middle East Institute*, 18 February 2009, p. 131. <http://www.payvand.com/news/09/feb/1203.html> (accessed 18 February 2009).

³⁹ Mahnaz Zahirinejad, 'Oil in Iran's Foreign Policy Orientation', *Journal of Peace Studies*, Vol. 17, Issue 4, October–December 2010, p. 9

⁴⁰ 'Italy, Iran's main EU trade partner', *Press News*, 19 June 2007, <http://www.presstv.ir/detail.aspx?id=13680§ionid=351020102> (accessed 25 March 2008).

reserves held in foreign banks had risen to about 60 billion USD.⁴¹ In addition, the country's Fourth Development Plan (March 2005–March 2010) allowed the Government to make a commitment for another 30 billion USD to oil projects (10 billion USD as finance, 7 billion USD as technical and engineering services, and 13 billion USD as foreign investment). Despite the enormous amount of money earned through the high oil prices, Ahmadinejad asked parliament for a supplementary budget as his government was expected to run out of money in the last three months of 2007. Surprisingly, the Iranian Government had also withdrawn 12.2 billion USD from its strategic Oil Stabilization Fund, which serves as a buffer to protect the economy in case of price fluctuations in the cost of oil.⁴²

Democratic or Authoritarian?

With attention given to the role of supreme leader and the election laws, some political scholars have categorized the Islamic Republic of Iran as an “electoral-authoritarian” regime of a new sort. By this view, Iran is fundamentally an authoritarian regime run by a small circle of clerics and military officials who use elections to legitimize themselves.⁴³ For instance, Luciano Zaccara has included Iran within the concept of a hybrid regime but also categorized it as a competitive authoritarian regime. He considers the electoral processes as important functions in Iran even within the authoritarian limits set by the constitution. He argues that “first, elections draw much light over an intra-elite dispute; second, they serve the government to check periodically on the people's orientation; and third, but not less important, they bring hopefuls into office. Moreover, polls in Iran comply with some of the requirements of democratic process, but also ignore many of them”.⁴⁴ Ultimately he believes, “it cannot be denied that there is some degree of competition within the Iranian electoral system and that elections do have an impact in the political system and therefore, in the policies implemented by the government and laws passed by the parliament”.⁴⁵

However, this idea of considering Iran as a competitive authoritarian regime with attention being paid to elections also has been rejected. For instance, Leah Gilbert and Payam Mohseni have classified the Iranian political regime as an “illiberal tutelary hybrid regime” and avoided calling it authoritarian regime. According to them the Iranian regime is competitive, illiberal and has tutelary institutions. They argue, “first, clerical authorities ban secular parties and veto policies deemed un-Islamic. Second, civil liberties are poorly enforced, as some opposition figures are jailed and the freedom of expression is limited by state censorship. Yet, despite these elements, multiple political factions competitively vie with one another over state institutions through electoral means. While evidence of turnover is frequent, notable elections that spot the uncertainty and competitiveness of the electoral arena include the shock presidential elections of Mohammad Khatami, of the republican left in 1997”.⁴⁶

⁴¹ ‘Recent Developments in the Iranian Economy’, American Iranian Council, 2007, http://americaniranian.org/publications/articles/2007/01/recent_developments_in_the_iranian_economy.html (accessed 11 February 2008).

⁴² Zahirinejad, ‘Oil in Iran's Foreign...’, p.9.

⁴³ Fukuyama, ‘Iran, Islam...’

⁴⁴ Suzi Mirgani, ‘Luciano Zaccara on the Iranian Elections’, Georgetown University, 30 September 2013, <https://cirs.georgetown.edu/news-events/events/luciano-zaccara-iranian-elections> (accessed 13 September 2015).

⁴⁵ *Ibidem*.

⁴⁶ Gilbert and Mohseni, ‘Beyond Authoritarianism...’, p. 292.

It seems that the 29th elections that have been held since the inception of the Islamic Republic in 1979 prove that elections are not tamed mechanisms constrained by the state. This is because, in spite of the various arrangements and precautions, elections have posed the most serious challenges to the ruling clergy. It is important to know that in the early years of the Islamic Republic, a president elected to office posed an existential threat to the ruling clergy. Conflict between President Baniadr and Ayatollah Khomeini plunged the country into political turmoil, which ended with the impeachment of the President on 21 June 1981 by the Parliament of Iran, “the ruling clergy managed to consolidate power, but subsequent elections proved to be sources of constant challenges to the stability of the regime; and more importantly, elections represented major setbacks to attempts by the theocratic component of the regime to monopolize power. The surprise results of some elections have proven a challenge for the ruling clergy”.⁴⁷

With attention given to these facts, it can be seen that the Iranian regime is hybrid in nature and its democratic parts have been obstacles to the rise of authoritarianism. In fact, as long as there is a will for transformation towards and against authoritarianism, it will continue to pose constant problems for authoritarian rule. Thus, the Iranian state as a hybrid regime has neither a democratic nor an authoritarian label. Although it behaves more like authoritarian regime, by establishing democratic institutions it became more effective in keeping the opposition at bay and more influential in world politics and less susceptible to international pressure. These factors may be the reasons behind the lack of attempts for a revolution in Iran in the last 35 years. In fact, while there have been from protests in Iran time to time, such uprisings have never turned into full-blooded revolution.

⁴⁷ Naser Ghobadzadeh, ‘Electoral Theocracy. A study of an Islamic Hybrid Regime’, Institute for Social Justice Australian Catholic University, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2500011 (accessed 18 May 2015), p. 10.

The Suez Conflict of 1956 at the United Nations Organization: On the 60th Anniversary of the War

Abstract

Sixty years have passed since the Suez crisis of 1956. This article deals with the major events and issues surrounding the crisis, leading to war and to a major international crisis involving the two superpowers and their allies. Battles were fought in the air, on the ground and on the diplomatic fronts of the United Nations Organization. However, the United States – opposed to the action of its allies – played the major role in terminating the military actions of Israel, Great Britain and France against Egypt, in avoiding direct Soviet intervention and establishing a UN-sponsored solution.

Introduction

Towards the end of World War II we observe political life in Egypt coalescing around two major objectives: namely, the end of the British occupation and the introduction of socio-political reforms. With the country's political forces divided the initiative of overthrowing the corrupt monarchy, which had become largely subject to British interests, was taken up by the army and – more precisely – by junior officers, organized under the banner of the Free Officers headed by Colonel Jamal Abdel Nasser.¹ The negatively-assessed experience of the Palestinian war, in which they had participated, led to the intensification of the internal crisis and accelerated the activity of the Free Officers, whose assumption of power (on 23 July 1952) was largely due to the skillful utilization of favorable military and political circumstances. After the abdication of King Farouk on 26 July 1952, Egyptians began to give their strong backing to the new order, which came to be known as the July Revolution.

The shape of the new political authorities and institutions in Egypt was crystallizing during a period of internal disputes and confrontations during the years 1952–1954. Among the achievements of this period were the Agrarian Reform Law and the agreement with Britain concerning Sudan. This was followed by the British-Egyptian agreement on the evacuation of British troops from Egypt, which was completed a little more than a month before the outbreak of the Suez conflict. By June 1956, the organizational and legal foundations of the new political system had also been determined.

The end of 1954 and the beginning of 1955 had witnessed an apparent thaw in Egypt's relations with the West, which to a certain extent was connected with British-American rivalry for the attainment of influence and ultimately domination in the Middle East. In the post-World War II

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¹ On Nasser, Egypt and the Arab world during his times, see Gamal A. Nasser, *Egypt's Liberation: The Philosophy of Revolution*, Washington: Public Affairs Press, 1955; Harry Hopkins, *Egypt, the Crucible: The Unfinished Revolution in the Arab World*, London: Houghton Mifflin, 1969; Malcolm Kerr, *The Arab Cold War: Gamal Abd al-Nasir and His Rivals, 1958–1970*, Oxford: Oxford University Press 1971; Jean Lacouture, *Nasser*, London: Secker and Warburg, 1973; Peter Mansfield, *Nasser's Egypt*, London: Penguin, 1969; Anthony Nutting, *Nasser*, London: Constable, 1973; B.K. Narayan, *Anwar el-Sadat: Man with a Mission*, New Delhi: Vikas Publishing House, 1977; Jerzy Zdanowski, *Historia Bliskiego Wschodu w XX wieku* [History of the Middle East in the 20th Century], Wrocław: Ossolineum, 2010; Jerzy Zdanowski, *Bracia Muzułmanie i inni* [The Muslim Brothers and Others], Szczecin: Wydawnictwo Glob, 1986.

period, the British role in the region was steadily weakening, while the United States started to take over British positions. In essence, the Middle East began to offer a different role for Great Britain (a defensive one – imperial routes, oil supplies) than for the United States (offensive – as an element of global strategy). The conclusion of the Baghdad Pact at the beginning of 1955 under the auspices of Great Britain revealed British desire to assume leadership in the region.²

Egypt treated the improvement in its relations with Britain as the beginning of an era of cooperation based on equal rights and benefits for both sides. This cooperation might involve also other Arab countries, naturally after their independence. The conclusion of the Baghdad Pact Treaty created a deep breach in relations between Egypt and Arabs on the one hand and Britain leading the West on the other. Striving to exert indisputable hegemony in the Middle East, the British planned to expand the Treaty to other than Iraq Arab states. The main obstacle to these plans was Egypt. Other sources of tension between Egypt and the West were: the strong support rendered by the West to Israel and the instrumental use of Israel as an element of pressure exerted in due course upon Arabs, the refusal to supply Egypt with arms indispensable to stop Israeli expansion, the intentional drop in Western (and especially British) orders for Egyptian cotton – the main export commodity of Egypt's mono-cultural type of agriculture.

The British (and the West in effect) wanted to win Egypt over for their policy or, at least, to neutralize it. When they failed in their efforts, they became convinced that the only source of their misfortune in the Middle East was Nasser. Consequently, he had to be removed through the use of force. Quite a similar stance was adopted by the French government, which made Nasser responsible for the success of the Algerian uprising (initiated in 1954). The United States on the other hand preferred to assume the role of a seemingly neutral arbitrator, while in fact attempting to use the region for its geopolitical ends. This concept of participating in the fight against the Soviet Union and socialist countries was alien to Egypt and Arabs. They not only had no interest in such a fight, but were objectively involved in a struggle with the West for their independence. Hence, the Egyptian rapprochement with socialist countries was met with public acceptance, a move that also involved practical considerations and significance.

Meanwhile, Egypt strove to implement its programme of economic development, attainment of favourable terms for trade exchange and first of all the delivery to its army of armaments necessary for defense against Israeli expansionism. The major Western powers refused to supply these weapons to Egypt. Explicit preference was given to Israel. In this situation, Egypt decided to purchase weapons from socialist countries without any political conditions in exchange for cotton.

Still in mid-1955, the West tried to pull Egypt over to its side. Several proposals concerning the solution of the Arab-Israeli conflict were presented, however without any serious involvement. The main element in the attempts made by Western powers to win Egypt's support for their policy was the issue of financial assistance for the construction of the Aswan Dam – an undertaking of fundamental significance for the socio-economic policy pursued by the Egyptian political authorities. By participating in the financing of the dam, the West hoped to win over Egypt's support for its policies for many years to come. When the hopes cherished by Western politicians were not realized (further rapprochement of Egypt towards the Soviet Union, diplomatic recognition of the Chi-

² On the Baghdad Pact, see *Zbiór Dokumentów PISM* [Collected Documents of the Polish Institute of International Affairs], No. 10, 1955. pp. 2144–2151; *A Select Chronology and Background Documents relating to the Middle East: Committee on Foreign Relations. United States Senate*, June 6, 1967, Washington: U.S. Government Publications, 1967.

nese People's Republic, strengthening of relations with India and Yugoslavia, further opposition to the Baghdad Pact Treaty), the United States and Western institutions 'punished' Egypt by withdrawing their Aswan offer.³ In response, on 26 July 1956 Egypt decided upon the nationalization of the Suez Canal Company.⁴

Prior to the Outbreak of the Suez War

The source of the sharp reaction from the West – particularly on the part of Great Britain, France and the United States – to the nationalization of the Suez Canal Company should be sought, on the one hand, in the fact that this act intensified the anticolonial struggle in Africa and Asia, in addition to representing a threat for the position held by Western powers in the vast – as well as economically, politically and strategically important – lands of the Middle East. On the other hand, the intensive agitation in the West was a reflection of tactics adopted by specific circle of advocates of traditional colonialism, which – taking the Egyptian action as a pretext – wanted to frighten former and existing colonial and semi-colonial nations and force them to retreat. At this stage, the views of radical conservatives had consolidated their position in British ruling circles. They did not appreciate the significance of intensified national liberation movements and did not recognize the new rising and steadily prevailing trend in the post-war world. Most specifically they could not accept the fact that British world influence was shrinking.⁵ Already, the British Prime Minister expressed his readiness to use armed force against Egypt as early as during his visit to the United States at the beginning of 1956, and during the visit of Soviet statesmen to England in April 1956.

Thus, the nationalization of the Suez Canal Company was grasped as a unique opportunity to return by force to Egypt and overthrow the rule of President Nasser.⁶ Being aware that it would be very difficult to enforce its claims through legal procedures, the British government decided to use its armed forces against Egypt jointly with France, which at this time (with the intensification of the Algerian uprising) was treating Nasser as enemy number one and was ready to take part in the planned war.

Faced with the lack of sufficient air and navy forces in this region of the world to carry out an immediate offensive, while making their preparations for the invasion, the governments of Great Britain and France agreed to embark upon diplomatic action initiated by the USA, which – although taking a hostile stance when the Suez Canal Company was nationalized – had no interest in the rivals' return and settling in the Middle East, and furthermore by means of an armed conflict alienating the Arabs and newly-independent nations of Asia and Africa from the West.

³ Douglas Little, *American Orientalism: The United States and the Middle East Since 1945*, Chapel Hill – London: The University of North Carolina Press, 2004, pp. 157–192.

⁴ On the international crisis brought about by the nationalization of the Suez Canal Company, see Keith Kyle, *Suez: Britain's End of Empire in the Middle East*, London – New York: I.B. Tauris, 2003; Dwight D. Eisenhower, *The White House Years*, Vols. 1–2, London: Heinemann, 1963–1966; Erskine B. Childers, *The Road to Suez*, London: MacGibbon and Kee, 1962; Hugh Thomas, *The Suez Affair*, London: Littlehampton Book Services, 1967; Hassan Jamsheer, *Konflikt sueski w stosunkach międzynarodowych [The Suez Conflict in International Relations 1956–1957]*, Łódź: Wydawnictwo Uniwersytetu Łódzkiego, 1987; Walter Laqueur, *The Struggle for the Middle East*, Washington: The Macmillan Company, 1969.

⁵ Kyle, *Suez...*, pp. 40, 42–43, 122, 165, 284.

⁶ *Ibid.*, pp. 148–152; ("The psychological impact of a swift diplomatic and military line-up against Egypt might in itself be enough to depose of Nasser". See *ibid.*, p. 148).

Thereby, as a result of technical considerations (protracted preparations for the military operation) Britain and France were forced for some time to undertake the diplomatic path.⁷ Along this path were two London conferences, the mission to Cairo of The Five (state leaders) headed by the Australian Prime Minister Robert Menzies, the establishment of the Association of Suez Canal Users, as well as diplomatic activities within the United Nations Organization. However, these moves were never aimed at initiating a dialogue with Egypt; no serious efforts were made to reach to agreement with the Egyptian government. The proposals were of an ultimatum nature and were assumed to be rejected – a consideration, which at an ‘appropriate’ moment – would give the required pretext to launch a military operation against Egypt.

For its part, the Egyptian government acted extremely cautiously, giving no pretext for the use of armed forces against its country and simultaneously displaying a readiness to conduct negotiations, but rejected being subjected to a dictate. In this respect, the Egyptian government had the support of Arab, non-aligned and socialist countries. An expression of this support was the failure of Great Britain and France in their effort to interrupt navigation along the Suez Canal by withdrawing Western pilots, with the intention of granting a pretext to both countries to use armed force against Egypt. The above mentioned Egyptian allies delegated to Egypt the number of pilots needed for the normal functioning of the Canal. Deprived of legal arguments and formal pretexts to launch a war against Egypt, Britain and France opposed by the anti-war stance of large sections of their own societies and world opinion decided to utilize the invasion of the Sinai Peninsula by Israel as a moment of launching their own operation, under the guise of separating the fighting Israeli and Egyptian forces in addition to protecting the Suez Canal navigation.

Israel in turn treated the emergence of Nasser, as a popular Arab leader, as a potential threat for its expansionist policy. Israel had already been preparing to capture the Sinai Peninsula (the occupation of al-Auja zone),⁸ but it was not until the Suez Canal Company was nationalized that the Israelis could seriously think about participating in a military action against Egypt. Initially, the anti-Egyptian action was synchronized by the French, but in mid-October the British authorities too gave their support to the French-conceived tripartite secret plan of action.⁹

After the Outbreak of Hostilities

Launching its military attack against Egypt on 29 October 1956, Israel had facilitated the task. Faced with the concentration of British and French troops in Cyprus after the nationalization decree, Egyptian authorities withdrew half of the Egyptian troops stationed in the Sinai Peninsula in normal conditions. Moreover, the Israeli army was during the operation receiving arms and ammunitions from French aircraft transport taking off from Cyprus. Despite such favourable conditions the Israeli troops could not make a breakthrough until the bombardment of Egyptian centers started days later by Franco-British air forces, and the Egyptian government order to withdraw soldiers from Sinai.¹⁰

⁷ Keyle, *Suez...*, p. 136.

⁸ *The Yearbook of the United Nations 1955*, New York: UNO, 1956, p. 31.

⁹ Kyle, *Suez...*, pp. 327–331; ‘Collusion: The Sevres Protocol’, *Al-Ahram Weekly*, Issue No. 1321, 24 November 2016.

¹⁰ On the Suez War, see Moshe Dayan, *Diary of the Sinai Campaign*, London: Weidenfeld and Nicolson, 1966; Andre Beaufre, *The Suez Expedition 1956*, London: Faber and Faber 1969; Anthony Eden, *The Memoirs of Sir Anthony Eden: Full Circle*, London: Cassell, 1960; Mohammad H. Heikal, *The Cairo Documents: The Inside Story of Nasser*

The military intervention of the three states can be qualified as an act of aggression. Article 1 of the UN Charter in its point 1 stipulates maintaining international peace and security, and to that end taking effective measures for the prevention and avoidance of threats to peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law. Article 2, point 3, in turn, states that all UNO members shall settle their international disputes by peaceful means in such a manner that international peace, security and justice are not endangered. Moreover, the United Nations Charter does not acknowledge any cases of “legal war”, unlike the League of Nations’ Covenant, which allowed the settlement of international disputes through war once specific measures of peaceful procedure had been exhausted. The UNO Member States passed the main responsibility for the maintenance of peace to the Security Council.

The British-French invasion lasted only two days, starting from the landing operation at Port Said early in the morning on 5 November. Neither power expected such a strong reaction to the move on the international stage. It was thought that the United States would be preoccupied with the presidential campaign, while the Soviet Union with the suppression of the Hungarian uprising. The invasion was however terminated without the attainment of its intended or declared objectives. A decisive role was played here by Great Britain’s stance as holding the central position in the Suez conflict. The major factors here were: the opposition of the Labour Party and substantial sections of the British public, divergence of opinions within the ruling Conservative Party, the negative attitude of the United States, the interruption of petroleum supplies, the rejection of the aggression by Arab and Commonwealth states, and the negative stance of the Security Council and General Assembly of the United Nations. However, a key role should be granted to the armed and non-armed resistance of Egyptians to the invasion (against the Western assumption that the new leaders were unpopular). Specialists also refer to the decisive impact of the Soviet ultimatum-note to the governments of Great Britain, France and Israel and the parallel activity of the USSR at the UN Security Council, as well as the Soviet proposal directed to the United States of a joint US-Soviet intervention to stop the hostilities.

Altogether, it seems, these factors led to the end of the tripartite aggression upon Egypt, the armed conflict stopped, and within a few weeks British-French troops had to withdraw from Egypt, while Israeli troops had left by 8 March 1957. The main battle to evacuate the invading troops from Egypt was fought however at the United Nations: the Security Council (30–31 October)¹¹, First Special Extraordinary Session of the General Assembly (1–10 November)¹², 11th Session of the General Assembly (12 November 1956 – 8 March 1957).¹³

Deprived of legal arguments and formal pretexts to launch a war against Egypt, Britain and France, opposed by the anti-war stance of large sections of their own societies and world opinion, decided to utilize the invasion of the Sinai Peninsula by Israel as a moment to launch their own op-

and His Relationship with World Leaders, Rebels, and Statesmen, New York: Doubleday, 1973; idem, *Abdel-Nasser wal-'alem* [Abdel Nasser and the World], Beirut 1972; Anthony Nutting, *No End of a Lesson: The Story of Suez*, London: Constable, 1967.

¹¹ *United Nations Security Council Official Records. Year 11, Meeting 748*, New York: UNO, 1956.

¹² *Official Records of the General Assembly: First Emergency Special Session, 1–10 November 1956, Plenary Meetings*, New York (n/d); Substantial materials of the Extraordinary Session, in *Zbiór Dokumentów PISM* [Collected Documents of the Polish Institute of International Affairs], 1956, pp. 2021–2115.

¹³ *Documents Officiels de l'Assemblée Générale, Onzième session, Annexes, 12 novembre – 8 mars, 1956–1957*, Vols. 2–3, New York (n/d); *General Assembly of the United Nations, 11th Session, Plenary Meeting 1956–1957, Verbatim Records of Meeting*, New York: UNO (n/d).

eration, under the guise of separating the fighting Israeli and Egyptian forces in addition to protecting the Suez Canal navigation.

Hence, on 29 October Israel launched its military operation against Egypt through the landing of an airborne unit in the vicinity of the Mitla pass – i.e., 200 km from the armistice line or 65 km from the Suez canal. Additional units were prepared to pass the line in the direction of the Canal. The Israeli action was a violation of the armistice agreement of 1949 convened under the auspices of the UNO. To that end, the United Nations had established the UN Truce Supervision Organization (UNTSO) with Gen. E. Burns as its commander. Soon after the Israeli incursion Gen. Burns intervened in order to bring about a ceasefire without any positive response.¹⁴

The initiative to call the UN Security Council came from the USA. On the same evening of 29 October, the decision was taken at a White House meeting in the presence of president D.D. Eisenhower and secretary of state J.F. Dulles. The latter explained the situation in the light of the blockade of information on the part of U.S. allies, Great Britain and France, in addition to the substantial increase in the number of coded messages between Paris and Tel Aviv as followed by the CIA – signaling the existence of a synchronized action involving Israel. In the light of such information, the U.S. president decided upon directing the matter to the UN Security Council early next morning, in a move to deprive the USSR of taking the initiative.¹⁵

The United States was convinced that the use of force against Egypt in connection with the Suez Canal would be disadvantageous for the West, antagonizing the newly independent countries and strengthening the Soviet bloc. Also the lack of loyalty on the part of allies was negatively assessed by American politicians. For their part, Britain and France intended to force upon the USA the acceptance of accomplished facts during the presidential elections. Likewise, Israel disappointed the American administration by ignoring the personal intervention of the president. It was reminded that the USA had signed the Tripartite Declaration together with Britain and France (25 May 1950) to guarantee the territory of Israel.¹⁶

In the note to the Security Council (S/3706) the USA informed the body that Israeli armed forces had penetrated deep into Egyptian territory, in violation of the Israeli-Egyptian armistice agreement. An immediately convening of the Council was demanded to consider the proposed matter: The Palestine question: steps for the immediate cessation of Israel's military action in Egypt.¹⁷ The emphasis on Palestine was intended to accommodate Arab nationalists.

In 1956, the Security Council members (11 in all) were apart from the five permanent members: Australia, Belgium, Cuba, Iran, Yugoslavia and Peru. The Council president in October was the French representative Bernard Cornut-Gentile. The Council was addressing the U.S. request of 29 October, and later the Egyptian note of 30 October (informing on being the object of Israeli aggression) at four meetings on 30–31 October, with Egypt and Israel participating in the debate. Opening the morning meeting of 30 October, the U.S. representative, Henry C. Lodge, avoiding condemnation of Israel, called upon the Council to acknowledge the violation of peace and demanded the immediate termination of hostilities and also the withdrawal of Israeli forces behind the

¹⁴ *United Nations Security Council Official Records...*, p. 3.

¹⁵ Eisenhower, *The White House Years...*, Vol. 2, pp. 72–73.

¹⁶ *Ibid.*, pp. 73–74.

¹⁷ *Yearbook of the United Nations 1956*, New York: UNO, 1957, p. 25.

armistice lines. Having in mind Britain and France, the American delegate called upon other countries to refrain from the utilization of the situation for their “selfish interests”.¹⁸

At an earlier stage, the UN Secretary General Dag Hammarskjöld, who sought to treat his own post “as an independent political authority, independent of the will of member states”, worked upon finding a compromise solution for the dispute about the nationalization of the Suez Canal Company. To a certain extent he managed to work out the six principles adopted by the Council on 13 October. The UN Security Council, alarmed by events, convened on 9–12 October at a number of informal secret discussions. Britain and France introduced to the UN Security Council a project for a resolution, which was accepted unanimously at a formal session on 13 October. It declared six principles:

- 1) the maintenance of the freedom of navigation through the Suez Canal;
- 2) the acknowledgement of Egyptian rights;
- 3) the non-political nature of the functioning of the Canal;
- 4) fixing of fees and other payments through agreement;
- 5) the allocation of parts of collected revenues for the maintenance and enlargement of the Canal;
- 6) the solution of disputes by means of arbitration.¹⁹

Actually that was the first part of a British-French resolution. However the two countries went further by introducing a second resolution, regarded as the second part of the former. It accused Egypt of not presenting its own acceptable proposals, and until the Association of Suez Canal Users should assume control of the Canal and collect fees. That was vetoed by the USSR and rejected also by Yugoslavia. So it was rejected in line with the intentions of the initiators of the project.²⁰ Hence, mid-October was decisive for the decision of the two countries to go to war over the above mentioned involvement of Israel.

At the 30 October meeting, the UN Secretary General presented the information received from the UNTSO commander Gen. Burns. Next, representatives of Cuba and Peru opted for the cessation of hostilities. The arguments of the Iranian and Yugoslavian delegates were also moving in this direction, with overt or covert condemnation of Israel, while the USSR representative was more outright in supporting Egypt, condemning Israel and pointed to those states (without mentioning Great Britain and France) that had prepared to send their troops into the area of conflict. He then was the first to inform the Council about the 12-hour British-French ultimatum to Egypt (and formally to Israel) to withdraw from the Suez Canal area.²¹

The British-French ultimatum was based on the fictitious assumption that the fighting between Israeli and Egyptian troops was taking place in the vicinity of the Suez Canal. In reality, the ultimatum was tantamount to inviting Israel to march towards the Suez Canal. In this way, one day after the Israeli attack, the world learnt about the collaboration of the three states in the preparation of the war against Egypt. Moreover, the ultimatum was a violation of many agreements signed by

¹⁸ *United Nations Security Council Official Records...*, pp. 2–3; *Yearbook of the United Nations 1956...*, p. 25.

¹⁹ Text of resolution: *Yearbook of the United Nations 1956...*, p. 25.

²⁰ Eden, *The Memoirs ...*, p. 504.

²¹ *United Nations Security Council Official Records...*, pp. 5–6.

both powers (the Constantinople Convention of 1888, the U.S.-British-French Declaration of 1950,²² British-Egyptian Treaty of 1954 and the UN Charter).

Debates at the Security Council were dominated by condemnation of – first – the Israeli military action and – next – the British-French ultimatum and bombardment of Egyptian territory by the air forces of Britain and France. The arguments of both powers about keeping the fighting sides apart and protection of the Suez Canal proved totally unconvincing. It was only through applying their right of veto at the Security Council that the British and French delegates managed to stop the adoption of resolutions unfavorable for both states. However, Great Britain and France could not prevent the adoption of a procedural resolution (Uniting for Peace) convening the Extraordinary Session of the General Assembly.

At the Extraordinary Session the governments of Britain and France treated their intervention as “a police action”. They made the suspension of war operations conditional, among other things, on the agreement of Egypt and Israel on the installation of UN troops. This postulate was in a sense a tactical move dictated to appease the strong internal and international opposition. The intention of both powers was simply to attain recognition by the United Nations of British and French troops, which were to land soon in the vicinity of the Suez Canal, as peacekeeping forces of the UN. The analogy of the Korean war is quite striking here. In their original form, British-French conditions could not be accepted either by the General Assembly or by Egypt. Wishing to help Britain and France, Canada presented a draft resolution to the effect of the establishment of the United Nations Emergency Force (UNEF) in the Middle East.²³

Conclusion

Elaborating upon the diplomatic background of events, the initiation of war operations by Israel placed the United States in a delicate position. The refusal on the part of Great Britain and France to cooperate with the USA within the framework of the Tripartite Declaration of 1950 in an action to stop Israeli aggression convinced the Americans that the three states had conspired together. In such conditions, silence on the part of the United States would be interpreted as implicit support for the action of the three states against Egypt. The United States could not, on the one hand, tolerate the establishment of a serious precedent for fait accompli in relation to an issue that could have grave consequences for world peace. On the other hand, seizing the initiative at the Security Council and during the early stage of the First Extraordinary Session of the UN General Assembly, the United States aimed at preventing the USSR from undertaking such an initiative and condemning the three invading states as aggressors. The negative stance of the United States sprang also from the fact that during that time the attention of the American administration was directed heavily towards Hungary and Poland. Many U.S. politicians thought that the long-awaited moment of the liberation of Central and East European nations had come. In the expected military action, a leading role should have been played by the armed forces of France and Britain. Meanwhile, both countries were engaged and entangled in the Suez operation.

²² The Declaration, called the Tripartite Declaration, dealt with the issues of preserving the balance of armaments delivery to Israel and Arab countries, as well as the securing of the armistice lines between them.

²³ Jerzy Zdanowski, *Stosunki międzynarodowe na Bliskim Wschodzie w XX wieku* [The International Relations in the Middle East in the 20th Century], Kraków: Oficyna Wydawnicza AFM, 2012, pp. 258–259.

From the very beginning of the Special Extraordinary Session of the General Assembly, two trends in relation to the tripartite intervention can be identified. The first, combining Arab, socialist and the emerging Afro-Asian group of states, called for the unconditional end of British-French intervention and the withdrawal of Israeli troops beyond the truce lines. The implementation of such a resolution was to be charged to the United Nations Truce Supervision Organization (UNTSO) and the Secretary General. The other trend, grouping the supporters of the Canadian postulate, strove to appease the aggressors in order to preserve their prestige. Attempt to find a compromise formula, legalizing invasion and occupation, had to be found at the cost of the victim, i.e. Egypt.

The USSR and other socialist countries considered the establishment of UNEF to be a violation of the UN Charter, since only the Security Council had the right to employ armed forces. However, due to the lack of objection on the part of the Egyptian government to the establishment of the Emergency Force, the afore mentioned states upheld the opinion that the resolution regarding UNEF was an expression of the will of the states establishing this Force. Moreover, the costs of this Force, in addition to compensation of damages incurred upon Egypt in the course of war operations, as well as the costs of clearing the Suez Canal should be covered by the aggressor states. It was also pointed out that there were attempts to impose upon Egypt concessions in return for the withdrawal of occupation troops.

On 10 November the General Assembly adopted a resolution to the effect of transferring the question of the Suez Canal conflict to the ordinary Session of the General Assembly (which was held between 8 November 1956 and 8 March 1957). The evacuation of the Franco-British forces was dealt with in the first stage, then of Israeli forces, which was carried out by further stages. All this took place under immense international pressure and the passage of numerous UN resolutions on the details and technicalities of the withdrawal.

Israeli troops, as already mentioned, remained for a longer time on Egyptian territory (until 8 March 1957). Utilizing its occupation as a bargaining element, Israel won a concession that the UN Emergency Force was installed only on the Egyptian side of the truce line (Gaza Strip) and in Sharm al-Sheik on the Gulf of Aqaba, thereby additionally ensuring for itself the freedom of navigation through the Strait of Tiran. The presence of UNEF in the Gaza Strip and Sharm al-Sheik without any time limit, although dependent on the assent of the Egyptian government, restricted Egypt's sovereignty upon its own territory.

Israel inflicted many material damages and losses upon Egypt. Particularly heavy damages were inflicted by Israeli troops before their withdrawal from each part of the occupied areas and localities – roads, mines and buildings were destroyed, and robberies were committed. All this was done with impunity and under the guise of implementing resolutions of the UN Security Council and General Assembly about the evacuation of its armed forces. In essence, the main aim of Israel was to delay the economic and military development of Egypt in accordance with its peculiar interpretation of the “right of self-defense”.

In as much as Israel was able to register a few ‘successes’, Great Britain and France suffered only defeats: loss of all footholds in Egypt, nullifying of the British-Egyptian agreement of 1954, loss of the Suez military base and many other positions in the Middle East, undermining of both powers’ prestige in the Middle East and the world, the downfall of the British and French governments. Simultaneously, the anti-colonial national liberation movements gained momentum, while the Soviet Union gained authority and sympathy among Arabs.

In order to curb the process of retreating Western influence in the Middle East, the United States Congress, on the initiative of the president, adopted the Eisenhower Doctrine on the day of the final withdrawal of Israel from Egypt (8 March 1957), voicing the necessity of taking over by the Americans of the 'vacuum' created by the political and moral defeat of Great Britain and France in the Middle East.

The Image of Saudi Arabia in the Discourse of Human Rights Defenders and Media Reports

Abstract

The aim of the article is to present the image of Saudi Arabia in the discourse of international organizations and media communications. The image is examined through the prism of narratives concerning human rights. The author lists three key areas of verification: system determinants of human rights, individual rights in the kingdom and an axiological sphere as the basis of self-identification in Saudi Arabia. The article discusses the main ideological inspirations representative of the kingdom, international agreements ratified by the Saudi state and statements given by human rights defenders.

Introduction

Saudi Arabia is often present in the international discourse of pro-democracy movements and human rights defenders.¹ The activity of these institutions reflects a specific face of modern political discourse in the West. The emancipatory structure of an ideological narrative tends to be correlated with the dominance of a paradigm affirming the subjectivity of the individual and their roots in the system of power, which should be inclusive and open as widely as possible in terms of the participatory aspirations of every human being. This vision presents itself as universal and deeply rooted in human activity in the social space. Adam Wielomski in his work *Prawa człowieka i ich krytyka. Przyczynek do studiów o ideologii czasów ponowoczesnych* [Human Rights and Their Critics. A contribution to the Study of the Ideology of Postmodern Times] indicates that the ideology of human rights, which is realized most fully in democratic regimes, takes on a strongly ahistorical character,² negating contextuality and the cultural roots of the egalitarian concept of a human being, in possession of liberties that are objective and standardized. In today's world, human rights detached from a legal conception, transform into an axiom and a standard of evaluation for political phenomena.

Two main categories need to be explained in this article. First is the concept of human rights. Jack Donnelly notes that human rights “are literally the rights that one has because one is human”.³ This category is seen as natural, and therefore consistent with the objective value of every individual as a human being; it does not require confirmation by positive law. The *United Nations Universal Declaration of Human Rights* states that “all human beings are born free and equal in dignity and rights”.⁴ This uniformitarian concept is a supracultural formula, highlighting the onto-

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¹ Issues of human rights and democratic freedoms appear, in among other places, in a document entitled *Saudi Arabia in 2015 Human Rights Report*. The publication points particularly to the problem of legitimacy of power in the kingdom, associated with a lack of real possibilities of alternation of power and the creation of political representation of citizens.

² Adam Wielomski, *Prawa człowieka i ich krytyka. Przyczynek do studiów o ideologii czasów ponowoczesnych* [Human Rights and Their Critics. A Contribution to the Study of the Ideology of Postmodern Times], Warszawa: Fijor Publishing, 2008, p. 19.

³ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Ithaca: Cornell University Press, 2013, p. 7.

⁴ *United Nations Universal Declaration of Human Rights*, 1948, <http://www.un.org/en/universal-declaration-human-rights/> (accessed 22 October 2016).

logical value of human dignity, which is not determined by the behaviour of humans, their moral qualities or usefulness for society.

It is also necessary to define a second category – image. Anthony Davis argues that this concept is “an intellectual and sensual interpretation of a person or object, conditioned also by the qualities of the person in whose mind this image is being created”.⁵ This perspective means that we are dealing with a specific construction of reason, creating an image based on sensory and empirical experience. Davis’ proposal emphasizes the importance of interpretation, bringing to mind the subjective, particular and individual, dimension of the image. A necessary activity is also to experience verified matter, touching the object of cognition, being ready for emotional and cognitive engagement (in social contexts, these actions are complemented by an ethical dimension). Creating an image requires a certain relation to a given issue through which a specific type of perception may be formed.

The aim of this article is to characterize the image of Saudi Arabia in the discourse of institutions defending human rights. I am aware of the incompatibility of the term “human rights” to the cultural conditions of the Arab world. The analysis will be then conducted with a complex awareness of the differences in stressing the importance of individual and community within the two civilizations. I will touch on an issue of major determinants of ideological criticism of the actions of Saudi authorities to respect the personal freedoms of its citizens.

Perspectives on Perceiving a Phenomenon as Shaping a Country’s Image

It is necessary to identify the essence of the image of a state, so that it is possible to extract the components forming it, and then adapt a proper descriptive–analytical perspective. Askegaard and Ger state that the image of a country can be defined as a range of knowledge founded on what people know about a country and the realm of emotions coexisting with this awareness.⁶ State here construct their ‘face’ via the development of networks of opinion leaders and creating bundlings of often non-rational imaginations, rooted in an emotional sub-layer. According to these authors, this emotive context exists in parallel to projects designed to build a positive intellectual climate for a given country. This knowledge will always have a subjective and particular character, impossible to rationalize and communitarize.

The image of a state – especially in today's world – has been historically shaped in an extremely dynamic and multidimensional manner, taking the form of a multi-layer structure of media, ideological and cultural determinants. Agnieszka Stępińska indicates that the image of a country is created by three categories: a country's image as a system of harmonized norms and institutions, the image of a nation and image of an entity as an ambassador of this community in the international arena.⁷ This three-stage design has a number of implications for the construction of an effective

⁵ Anthony Davis, *Public Relations*, Warszawa: Polskie Wydawnictwo Ekonomiczne, 2007, pp. 47–48.

⁶ See: Oleg Gorbaniuk, Wiktor Razmus and Dorota Lewicka, ‘Wizerunek Białorusi, Rosji i Ukrainy wśród Polaków: Analiza wolnych skojarzeń’ [The Image of Belarus, Russia and Ukraine Among Poles: Analysis of Free Association], *Roczniki Nauk Społecznych*, Vol. 2 (38), 2010, p. 183.

⁷ Agnieszka Stępińska, *Wizerunek państwa – działania PR nie tylko w okresie prezydencji* [The Image of a State – PR Activities Not Only During the Presidency], in: *Przewodnictwo państwa w Radzie Unii Europejskiej – doświadczenia partnerów, propozycje dla Polski* [Presidency of the State at Council of the European Union – Experiences of Partners and Proposals for Poland], Zbigniew Czachór, Mikołaj Tomaszuk (eds), Poznań: Wydawnictwo Naukowe WNPiD, 2009, p. 60.

image of a country at a global forum. Such an image of a state is a consequence of the implemented sphere of axiology, as an area providing legitimacy in the relationship between citizens and public institutions and in opportunities to exert real influence on the teleological level in terms of the activity of power.

Joseph Samuel Nye, the American political scientist and co-founder of the international relations theory of neoliberalism, detailed the three dimensions of analysis of the image of a state: military power, economic power and soft power (also known as smart power). The first two strongly reflect the historical development and level of advancement of the each given country; they are subject to objectivization and are largely resistant to marketing. Their transformation is result of fluctuations in the country's development over the decades; however, soft power (or smart power) assumes the form of a flexible tool necessary to build an image and requiring frequent updates in a dynamic reality. This formula could prove useful in times of war, crisis or when the state implements a controversial undertaking, perceived negatively by the community of other actors in international politics. Here we may give an example of the revision of policy in relation to national minorities, historically brought into conflict with the dominant majority in any territory. Then, based on a redefinition of the meaning and specific language of persuasion diplomacy would direct discourse of leaders and think-tanks in a way positively reinforcing the image of that state.⁸

Agnieszka Stępińska proposes a triad of factors that create the image of a state: system image of a state, image of a nation and concept of an individual.⁹ It seems that for an analysis of Saudi Arabia, the concept of nation is not relevant (due to the short period of formation of the modern Saudi community). Therefore, this term will be replaced by self-identification and community study in the sphere of axiology via the imaginations of residents of the Saudi state. The other two categories – the image of a state as a structure and the model of a citizen – will be analyzed in the article.

Systemic Determinants of Human Rights and Democracy in Saudi Arabia

Saudi Arabia is an absolute monarchy. Centralized power belongs to the king, who is also the chief executive as chairman of the Council of Ministers. The king also performs the function of chief of the army. Collegial body, the Consultative Council (Majlis al-Shura) has only advisory powers. Saudi Arabia implements a model of total depoliticisation of society – the activity of political parties is prohibited, and the ruler monopolizes imperious prerogatives. Saudi Arabia has no written constitution in the strict sense. The ideological foundation of legislation is here rather reflected by the historical constitution, which is a synthesis of Arabian tradition and political spirit of Islam. The historical constitution, as Carl Schmitt reminded, expresses values and processes most important to the community, substantially relevant and expressing the specificity of the historical development of a community; it may be treated as a synthesis of metaphysical experience and accumulation of wisdom of successive generations. German lawyer denied that the state was equipped with the constitution, “according to which a will of state is shaped and functions. In fact, a state itself is a constitution; it possesses its own ontological character, is a state of unity and order [...].

⁸ Joseph Nye, *Bound to Lead: The Changing Nature of American Power*, New York: Basic Books, 1990.

⁹ Stępińska, *Wizerunek państwa...*, p. 160.

The constitution is a soul of a political form, [its] real life and individual existence".¹⁰ This ahistorical identity of a community is moulded in the spiritual development of its own subjectivity and the contribution of successive generations.

Information on the systemic model of Saudi Arabia may be derived from the Basic Law, posted in 1992 by the monarch Fahd bin Abdulaziz al-Saud. This document identifies the main sources of the prerogatives of public authorities: the Qur'an and religious customs, known as sunna. The Basis Law is a state-centered document, implementing an asymmetrical relationship between citizens and public authorities. Interestingly, this document highlights the importance and protection of human rights,¹¹ but not making them absolute values and rooted in human nature, perceived personally. An individual has more duties than rights, it is strongly de-ontological spirit of the law, directed towards social, traditional model of citizen's participation in the community. The Basis Law foresees a number of freedoms for citizens: right to work, education (which in Saudi Arabia is free of charge), health care. Expropriation is allowed in the public interest, but it may take place only providing that a payment of compensation will be guaranteed. The document provides orientation of public authorities on the person of the monarch and a specific monism of the legislative and executive powers. The king is the sovereign according to a concept by Schmitt – he introduces a state of emergency and decides on declaring war. A citizen is not able to really create a collective political will, because the power is not an elective but hereditary.

Systemic conditions of realization of human rights in Saudi Arabia strictly apply to the circulation of information and public access to information facilitating conscious existence in society. The image of the country is dominated by the limitations in the sphere of freedom of expression. Heavy censorship prevents access to many websites, such as those that are devoted to gambling or allowing citizens to verify critical tenets of Islam. It is also impossible to gain knowledge on how to break the official locks. The list of topics excluded from the public debate covers issues relating to national security, the status of women, the political line of the authorities and the practice of Sharia. Additional limitations of distribution of information and creating public reflection also appeared in connection with the fight against terrorism.¹² Paradoxically, an intensive exclusion of freedom of communicating co-exists in the country with a wide range of Saudis' presence in social media and permitted areas of exchange of ideas. This topic will be developed later in the article.

Interestingly, a positive image of Saudi Arabia is often presented by foreigners, who came to this country for professional reasons. The specificity of this country is the subject of the story of

¹⁰ Carl Schmitt, *Verfassungslehre*, Berlin: Duncker & Humblot, 1983, p. 4, <http://www.teologiapolityczna.pl/prof-pawel-kaczorowski-carl-schmitt-jego-nauka-o-konstytucji-i-kwestia-suwerena-ustrojodawcy-tpct-9-/Wydrukuj> [accessed 29 October 2016].

¹¹ Natalia Hapek, 'Zarys systemu polityczno-prawnego Arabii Saudyjskiej' [An Outline of the Political-Legal System of Saudi Arabia], in *Nie tylko Śródziemnomorze. Problemy polityczne i społeczne świata islamu* [Not only the Mediterranean World. Political and Social Problems of the Islamic world], Marta Woźniak (ed.), Łódź: Uniwersytet Łódzki, 2012, p. 33.

¹² Restrictions on freedom of expression were intensified in 2014, in connection with the events of the so-called Arab Spring. Such limitations, according to the authorities, were designed to protect the traditional political – moral order, prevent criminal activity and infiltration of the state by foreign forces. The key role is played here by the General Commission for Audiovisual Media, an institution aimed to control the flow of content available on audio and video sites, which are often used to discuss controversial social issues, such as the ban on women driving. Such a case occurred when the government used anti-cybercrime law established in 2007, accusing the seven Saudis for criticism of the authorities and incitement to change the decision in terms of driving license for women. For more information, see the report: *Attacks on the Press, 2015 Edition*, <http://web.archive.org/web/20160321163324/https://cpj.org/2015/04/attacks-on-the-press.php> (accessed 29 October 2016).

Thomas, a hero of the article ‘Polski lekarz obala mity o Arabii Saudyjskiej: Jestem tu 10 lat, wiele rzeczy jest bardziej sprawiedliwych niż w Polsce’ [Polish Doctor Dispels Myths About Saudi Arabia. I Have Been Here 10 Years, Many Things are Fairer Than in Poland].¹³ He states that Saudi Arabia is a place characterized by good organization of work and high professional standards. Logistics, appropriate hospital equipment and separation between work and leisure time – all these features indicate a professional culture situated at a high level.

Thomas highlights the warmth and kindness of ordinary Saudis. He fits the position of women into the context of civilizational experiences and conditions resulting from the unquestionable presence of Islam in the culture-making processes. Simplification of regulations, a classical vision of justice as being given what is deserved, efficient solutions to social life – are seen here as some advantages of the country. In terms of image, Saudi Arabia seems to be a country able to attract the attention of foreigners and draw positive models from experience previously developed in the West. Describing the nature of the Saudis, Thomas says: “They are polite and very clean. Probably less envious than we are. And mostly very receptive. I appreciate them especially for one thing. Here elderly people are very respected. The families accompany the elderly while in hospital. These people are not alone there. There are no homes for the elderly. They are unnecessary because children look after their parents”.¹⁴ Here we see an appreciation of the traditional family model, which is multigenerational and draws on empirical experience of ancestors and their wisdom. According to Thomas, Saudi Arabia is a safe country, which allows a relatively carefree upbringing of children, minimizing the risk of contact with the fruit of incorrectly perceived freedoms – such as drugs. The education system guarantees a high level of expertise and investment in education. Requirements for foreign workers are advanced, but the material standard of living compensates such different experiences relative to Europe.¹⁵

The Image of Individual Rights – the Rights of Women

The image of Saudi Arabia in the discourse of human rights defenders can be also examined through the prism of the individual. The distinction between Western reality and the Islamic world should be emphasized, because it allows us to see a different vision of the human. The world of Latin civilization tends to believe that human nature has been thoroughly understood and research on ethical human predilections is finally over. Mieczysław Krąpiec has stated that recognition of human rights was linked to a particular theory of man.¹⁶ Such an affirmation of human rights sees no references to tradition and experience; not touching empiricism, it draws an abstract vision of human identity. This formula adopts an anthropological optimism as a leading category of the dominant narrative of successive generations of human rights activists, and is authoritatively treated as an axiom. Artur Walczak, the author of an article entitled ‘Islam a prawa człowieka’ [Islam and Human Rights], emphasizes some intrinsic determinants of the Muslim perspective on these issues.

¹³ ‘Polski lekarz obala mity o Arabii Saudyjskiej: Jestem tu 10 lat, wiele rzeczy jest bardziej sprawiedliwych niż w Polsce’ [Polish Doctor Dispels Myths About Saudi Arabia. I Have Been Here 10 Years, Many Things are Fairer Than in Poland], *Na Temat*, 21 December 2015, <http://natemat.pl/166073,polski-lekarz-w-arabii-saudyjskiej>, (accessed 29 October 2016).

¹⁴ Ibidem.

¹⁵ Ibidem.

¹⁶ Mieczysław Krąpiec, *Człowiek i polityka* [Man and the Politics], Lublin: Polskie Towarzystwo Tomasza z Akwinu, 2007, p. 146.

His analysis indicates the strongly theocentric dimension of political Islam, expressing a functionalist conception of humankind.¹⁷ Man realizes his potential through actualization of the divine will. Islam rejects relativism of the modern theory of humankind, demanding an absolute submission of temporal instincts to eschatological thinking. Being a political and religious unity may not grant priority to God in the realm of religion and cultivate human rationality and the ability for virtuous conduct – in the secular sphere.

Women's rights are inseparable from human rights. This correlation is the subject of analysis in the report *Women's Rights are Human Rights*, prepared by the United Nations Office of the High Commissioner. This document recalls that this parallelism is particularly evident during a crisis or military conflicts – when women's cultural or educational freedom are threatened or they disappear completely.¹⁸ The term of women's rights assumes an objective immersion in the abstract theory of sexes, a homogeneity of the aspirations and ambitions of women and neutrality in relation to the historical process of diversification of social roles. This universalization of experience is present in the conclusions contained in the report by Amnesty International published in 2004. This document, entitled *To jest w naszych rękach. Stop przemocy wobec kobiet* [It is in Our Hands. Stop Violence Against Women], contains the following statement: "Human rights are universal, but violence Against women has made human rights abuses universal. Women from all over the world, who belong to different cultures and nationalities, profess different religions, have different education, experiences and historical past, women from different social strata and having different material status, are connected by the experience of discrimination and violence experienced by states or the communities in which they live".¹⁹ In this way, the rights of women express a spirit of ahistorical imperative and a tool of contestation in the traditional sociology of sex.²⁰

The issue of social involvement of women as a factor of Saudi Arabia's image with regard to women's rights is the subject of Saudi writer and activist Hala al-Dosari. This advocate of women's rights works in the public space of her country as an employee of the local Ministry of Health. Al-Dosari presents her homeland as a place culturally dominated by a patriarchal element and perpetuated by clan ties. This indicates that gender strongly determines the extent of social engagement and directs a priori the place in the hierarchy of society. This determinism, according to al-Dosari, implies the specificity of the evolution of the Saudi community, counteracting modern transformations in the sphere of axiology and political organization. In her opinion, the country is not adapted to the challenges of modern times: the relatively universal emancipation of women, atrophy of traditional legitimacy through religion and the growing popularity of civil self-organization movements. Saudi Arabia, given its exclusion of women from certain professions and sectors of the market, limits the possibility of a transition from an economy based on natural raw materials to a

¹⁷ Artur Walczak, 'Islam a prawa człowieka' [Islam and Human Rights], *Portal Spraw Zagranicznych*, 28 March 2007, <http://www.psz.pl/117-polityka/artur-walczak-islam-a-prawa-czlowieka> (accessed 28 October 2016).

¹⁸ *Women's Rights are Human Rights*, United Nations Office of the High Commissioner, New York and Geneva, 2014, pp. 92–102.

¹⁹ *To jest w naszych rękach. Stop przemocy wobec kobiet* [It is in Our Hands. Stop Violence Against Women], Amnesty International, <http://docplayer.pl/5560761-To-jest-w-naszyc-rekach-stop-przemocy-wobec-kobiet.html> (accessed 28 October 2016).

²⁰ Józef Młyński, *Socjologiczne aspekty rodziny* [Sociological Aspects of Family], http://www.rodzina.ipjp2.pl/index.php?option=com_content&view=article&id=803:socjologiczne-aspekty-rodziny&catid=179&Itemid=332 (accessed 28 October 2016).

model for assuming a leading role for services.²¹ “The government faces the challenge of needing to find more revenue. It needs more people working in the private sector and then to generate more revenue from taxes. The most promising human capital is the kingdom’s women”.²² Saudi women in the narration of al-Dosari are a hope and a social capital of the country. Today’s investment in the subjectivity of women and appreciation of their position would be profitable in the future, especially facing the need for a gradual transformation of the economy towards a more competitive model. Regarding the deficit of private enterprise and knowledge of market mechanisms in the service sector (due to weak progress in this part of economy), the aspirations and social power of women could, in the opinion of the writer, strengthen the development of the country. Currently, however, only 12% of Saudi women are economically active. In addition, only 5% of Saudi women carry out as business owners.²³ “It is easier to target women for certain jobs, particularly those that have been filled largely by foreigners and require minimum skills, such as retail jobs. So I expect women will begin to have a larger presence in the labor market. But, again, this is because of the drive and need to reform the economy, not because of political efforts to reform women’s position”.²⁴

Al-Dosari stresses that a weakness of the Saudi state system is state correlation between the lack of possibility to change in the status of women and the fact that women do not have the tools for expressing their personal beliefs. Women are not visible in the public space, do not build up their own social base, do not organize themselves and do not support each other.²⁵ A defective economic model does not benefit from their talents; women have experience as mothers and wives, but these features have no connection with conscious civic participation; we are dealing with immaturity in the field of a sociology of public roles. Under-representation of women weakens the sense of community and contributes to the decomposition of collective consciousness, which is necessary to maintain a coherent vision of the political community.

Self-Identification of Saudi Arabia

The third pillar of the image of Saudi Arabia in the field of human rights is expressed by the self-identification of the country. This category will be examined in relation to documents accepted by the kingdom, philosophical ideas and theoretical concepts that can be considered representative of the Land of the Two Holy Mosques.

The main document outlining a declarative dimension of an attitude of the authorities towards Saudi citizens and an individual’s position in the country is the *Arab Charter on Human Rights*. This document was adopted by the Council of the League of Arab States on 22 May 2004. The Arab Charter on Human Rights entered into force on 15 March 2008. Apart from Saudi Arabia, its signatories are: Syria, Yemen, United Arab Emirates, Palestine, Bahrain, Algeria, Jordan, Qatar and Libya. The Charter was prepared in the framework of a debate at the League of Arab States, an

²¹ ‘Women’s Rights in Saudi Arabia: Hala Aldosari on Reform and the Future’, *Freedom House*, 25 May 2016, <https://freedomhouse.org/blog/women-s-rights-saudi-arabia-hala-aldosari-reform-and-future>, (accessed 29 October 2016).

²² *Ibidem*.

²³ PAP, ‘Saudyjska aktywistka walczy w internecie o prawa kobiet’ [Saudi Activist Fights for Women’s Rights in the Internet], *Gazeta Wyborcza*, 29 December 2013, http://wyborcza.pl/1,91446,15197954,Saudyjska_aktywistka_walczy_w_internecie_o_prawa_kobiet.html (accessed 29 October 2016).

²⁴ ‘Women’s Rights in Saudi Arabia...’

²⁵ *Ibidem*.

organization formed to coordinate and optimize the cooperation of Arab states on the political, social, economic and cultural levels.²⁶

The card in the first sentence refers to the dignity of the human.²⁷ It exists, however, in close connection with the fact of creation of man by God. Religion serves here a fully complementary function, as a factor of legitimacy to human subjectivity. We are not dealing with the concept of an abstract man, but observe rather a formula substantially oriented on the provenance of the human subjectivity of the will of the Creator. The idea of the divine plan of creation and revelation not only precedes the autonomy of each individual, but also determines the sphere of personal integrity. The preamble of the card contains a reference to the principles of freedom, equality and justice. It seems that these categories require a classical interpretation, without reference to the modern, rationalist paradigm. These virtues – freedom, equality, justice – reflect social doctrine as a factor parallel to tradition, authority and inheritance of social position. Although rooted in socio-political empiricism this does not allow us to see these values as universal human desiderata, but essentially linked to the real order, not accidental but intentional.

Weighty statements are contained in the rest of the preamble to the document: “Believing in unity of the Arab nation, which struggles for its freedom and defends the right of nations to self-determination, to the preservation of their wealth and to development; believing in the sovereignty of the law and its contribution to the protection of universal and interrelated human rights and convinced That the human person's enjoyment of freedom, justice and equality of opportunity is a fundamental measure of the value of any society”.²⁸ Based on this category – the supremacy of law as an agent bonding the political community and allowing for protection of unquestionable human rights – (universalist formula), we find the rule of law as a factor strongly influencing the development and prosperity of the Arab peoples. Their right to self-determination is correlated with the cultural-civilizational sense of community of all Arabs, allowing a unity of ethnic and religious experiences. The preamble on the one hand recognizes the importance of the individual pursuit of happiness (when mentioning a legal protection of integrity of the human person), on the other – it strongly emphasizes the collective dimension of each being. One statement attracts our attention: “man's enjoyment of freedom, justice and equality of opportunity is a fundamental measure of the value of any society”.²⁹ Society has its teleological aspect that transcends a simple, materialistic conception of the struggle for existence; this theoretical construction refers to the most important normative needs of every human being (actualization of their own identity, economic optimization, deriving from freedom as a constitutive category of conscious existence in society), linking human destiny to the ultimate truth; an eschatological dimension is here a condition the sine qua non of full humanity. By following the path traced by the truths of faith, one has a chance to get closer to the ideal presented by religion: individual living among the people and obliged to defend natural institutions: family, moral order, standards of behaviour developed by tradition.

The second article affects the right to self-determination of peoples. This category is sometimes regarded as the only human right of a collective character. Krzysztof Bobrowski indicates an imprecision of the term self-determination; from a legal perspective, this issue is not explicitly re-

²⁶ Robert MacDonald, *The League of Arab States: A Study in Dynamics of Regional Organization*, Princeton: Princeton University Press, 2015.

²⁷ League of Arab States, *Arab Charter on Human Rights*, 22 May 2004, <http://hrlibrary.umn.edu/instreet/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655> (accessed 30 October 2016).

²⁸ Ibidem.

²⁹ Ibidem.

ferred to the potentialities of the state to create a nation, or to ensure compliance with a number of political, economic, cultural rights.³⁰ On the one hand, the concept may reflect a right to independence of the state, on the other – to a completion of the political line which is currently an emanation of the general will. In this article, the right to self-determination belongs rather to the circle of political philosophy than to the sphere of law. The second article of the Charter emphasizes that “all peoples have the right of self-determination and to control over their natural wealth and resources, and the right to freely choose their political system and to freely pursue their economic, social and cultural development”.³¹ In accordance with a spirit of the document, an immanent feature (and therefore privilege) of the Arab peoples is a contractual genesis of power, which expresses the natural tendency of a human being to a political commitment. The right to self-determination as a human right (and therefore taking a fundamental and direct form) draws its provenance from the law of nature; constantly, political participation is therefore a complement to that natural, social – public - health of every human being, it is an empirical materialization of a personal man’s destiny.

Article 3 prohibits any discrimination on grounds of sex, race, language, colour, religion, national origin, beliefs.³² Saudi Arabia has therefore undertaken to implement solutions that create an egalitarian social order and are aimed at countering the exclusion of foreigners. In theory, Christians may draw from the principle of freedom of religion, while in the kingdom a strong position is attributed to the Committee for the Promotion of Virtue and the Prevention of Vice. This institution was founded in 1940 and today performs the function of the religious police. The duties of members of the police include, inter alia, control of the public fulfilling orders of the Qur'an concern about the appropriate attire of women, the practice of prayer, separation of members of both sexes. Christians and Jews cannot practice their religion openly; any non-Islamic religious articles are subject to a total ban. Apostasy from Islam is punishable by death. Christians must not build new churches or possess the Bible. A U.S. Department of State report on human rights around the world concludes: “The Basic Law states that Islam is the official religion. All citizens are required to be Muslims. The legal system is based on the government-sanctioned interpretation of Islamic law. There is no legal recognition or protection of religious freedom and it was severely restricted in practice. The government limited the practice of all but the officially-sanctioned version of Islam and prohibited public practice of other religions, including Shi'a and Sufi sects. The government stated that as a matter of public policy it protects the right to private worship for all, including non-Muslims who gather in homes for religious services. However, this right was not always respected in practice and is not defined in law”.³³ Even Muslims do not fully use their rights – the Shiites are considered to be unorthodox Muslims and harassed in public spaces and on the Internet.³⁴ The names of Abdul Nabi and Abdul Hussein - popular among the Shiite worshipers – are prohibited since March 2014.

³⁰ Krzysztof Bobrowski, ‘Prawo do samostanowienia narodów w prawie międzynarodowym – aktualna wykładnia’ [The Right of Nations to Self-Determination – Current Interpretation], *Krytyka Prawa*, Vol. 7, pp. 35–36.

³¹ League of Arab States, *Arab Charter on Human Rights*, 22 May 2004, <http://hrlibrary.umn.edu/instreet/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655> (accessed 30 October 2016).

³² Ibidem.

³³ *Saudi Arabia*, Washington DC: Department of State, 11 March 2008, <http://www.state.gov/j/drl/rls/hrrpt/2007/100605.htm> (accessed 30 October 2016).

³⁴ Michał Lemieszek, ‘Problem szyicki w Bahrajnie i Arabii Saudyjskiej’ [Shia Problem in Bahrain and Saudi Arabia], *Portal Spraw Zagranicznych*, 8 February 2012, <http://www.psz.pl/116-bezpieczenstwo/michal-lemieszek-problem-szyicki-w-bahrajnie-i-arabii-saudyjskiej> (accessed 30 October 2016).

Conclusion

Saudi Arabia appears to be a state dominated by a conservative conception of the state as a decision-making subject, topped with an absolute monarchy and the position of rulers endowed with real power. It is a metaphor (in the European tradition this vision is close to the absolutist heritage of Robert Filmer) king as *res loquens*,³⁵ a metaphysical principle situated in the midst of a political community in a way in which the monarch exceeds the temporal meaning of positive law. Both a determinant to and a source of the king's legitimacy is the attitude of the duty to defend the existence of the integral nature of the community, subordinated to laws of nature and hereditary order. It is a highly traditionalist formula, in Europe – typically pre-revolutionary, built on what Hugues-Félicité-Robert de La Mennais said: “the authority that begins to hesitate, ceases to be authority”.³⁶ It is based on the concept of a state-centered system designed to realize an illiberal sociology of power, taking into account a pessimistic anthropology and awareness of a subversive human nature. Such a vision expresses a belief that political power functions as a tool to defend the integrity of the community and prevent a radical change; the political face of Islam, here raised to the rank of dogma and social *arché*, is an implication of faith in the objective truth of Islamic revelation as the only truth. As a result, the state is legitimized by a defence of Islamic identity, traditions and sacred surcharges of this version of monotheism. Louis de Bonald would say that the mission of the king is an awareness of his ordination and appointment.³⁷

The image of Saudi Arabia is primarily formed by observations contained in international reports, which describe the practice of human rights in different parts of the world. In the case of the kingdom, the most common issue tends to be the supremacy of a traditionalist formula of the human over the individualistic and liberal model dominant in European countries and the United States. The kingdom seems to remain indifferent to the imperative of equal rights for women, formulated by international organizations. In return, the State emphasizes the efficiency of the economic system, the penal model's compliance with Sharia laws and the maintenance of the traditional ethos of family relationships. In the narrative of Saudi authorities the individual is present in the context of the commitment and attitude towards Islam as a source of objective truth.

It seems that the main image problem of Saudi Arabia is today a necessity to construct and develop a coherent vision of its own values on the international stage. Saudi Arabia follows its own, conservative model of politics, specific even in the Arab world. At the same time, Saudi Arabia is able to create favourable conditions for attracting educated foreigners and specialists. In the ranking of *The Economist Intelligence Unit's where-to-be-born index* (2013) Saudi Arabia took 38th place, higher than Argentina (40) and Hungary (46), and just a bit lower than Malaysia (36).³⁸ This indicator specifies that the state will provide the safest life at a high level in the coming years. Jerzy Zdanowski draws attention to the unusual dynamics of transformation in the Arab world over the

³⁵ Robert Filmer, *Patriarcha, or The Natural Power of Kings*, in *Patriarcha and Other Writings*, Johann Sommerville (ed.), Cambridge: Cambridge University Press, 1991, p. 51.

³⁶ Hugues-Félicité-Robert de La Mennais, *Mélanges religieux et philosophiques* [Religious and Philosophical Mixtures], Paris, 1836–1837, p. 289.

³⁷ Louis de Bonald, *Théorie du pouvoir politique et religieux dans la société civile, démontrée par le raisonnement et par l'Histoire* [Theory of Political and Religious Power in Civil Society, Demonstrated by Reasoning and History], Vol. I, Constance, 1796, p. 344.

³⁸ ‘The lottery of life. Where to be born in 2013’, *The Economist*, 21 November 2012, <http://www.economist.com/news/21566430-where-be-born-2013-lottery-life> (accessed 18 November 2016).

last hundred years,³⁹ while the Saudi kingdom practices its own path to modernization, which often gives rise to misunderstandings among democratic and progressive Europe.

³⁹ Jerzy Zdanowski, *Historia Bliskiego Wschodu w XX wieku* [The History of the Middle East in the Twentieth Century], Wrocław: Ossolineum, 2010, p. 561.

What Can We Learn from Lampedusa? The Migration from Africa to Europe in the Context of Political Erosion and Collapse of the Sub-Saharan Countries

Abstract

The aim of the article is to discuss the reasons and results of migration from Africa to Europe. In the beginning, the migration routes of the Mediterranean Sea, with Lampedusa as a key transit point, are described. Then, the EU's immigration policy and its public criticism are analysed. In the central part of the text the aetiology of the departures of Africans in the context of the political erosion and the collapse of the African states is discussed. In addition the outline of the African diaspora in Europe and the problem of ritualisation and stereotyping of migration in Africa are given.

Introduction

Since the turn of the 21st century, Lampedusa – a small Italian island located between Libya, Tunisia, Malta, and Sicily – has become one of the key transit points on the migratory route from Africa, the Near East and the Middle East to Western Europe. According to data from the United Nations High Commissioner for Refugees (UNHCR), it is one of the deadliest migratory trails in the world.¹ In March 2016, after an agreement between the European Union and Turkey had been concluded to limit the migration on the Turkish-Greek route, the Italian (North-African) route with Lampedusa as its critical point once again became the main migration route to Europe.

Lampedusa drew the attention of the international public opinion in March 2005, when the Italian government, acting in accordance with a secret agreement made with Muammar Gaddafi, faced strong objections from the European Parliament and numerous human rights organisations after it deported 180 immigrants to Libya. In 2011, the island returned to the spotlight of the European and global media, when, as a result of the Arab Spring in Tunisia and Egypt, 50,000 people arrived in Lampedusa in just 8 months between January and August. In July 2013, the island was put in the spotlight again when Pope Francis set off on his first journey outside Rome and called on Europeans to show solidarity with the refugees in his speech about the “globalisation of indifference”. There was as much debate over Lampedusa, if not more, in October 2013, when a boat with 500 people sank on its coast. Over 360 of them, predominantly Somalians and Eritreans, drowned and their bodies were being recovered for a week after. This number is still staggering, despite the shock value of the reports about the deaths of the Mediterranean boat people,² as well as the victims of the wars in Libya and Syria wearing off.

The Lampedusa incident has many names. Some journalists, commentators and politicians called it an “unfortunate accident.” Is this the appropriate form of narration? An “accident” is unex-

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¹ Only between January and April 2015 1,600 people died *en route* from Libya to Lampedusa. See Cf. Deborah Ball, ‘Hundreds of Migrants Believed Dead in Shipwreck Off Libya’, *The Wall Street Journal*, 19 April 2015, www.wsj.com/articles/about-700-believed-dead-in-shipwreck-off-libya-says-unhcr-1429432174? (accessed 25 August 2016).

² Michael Pugh, ‘Mediterranean Boat People: A Case for Co-Operation?’, *Mediterranean Politics*, Vol. 6, No. 1, 2001, pp. 1–20.

pected, it shocks and frightens. The tragedies near Lampedusa occur repeatedly.³ Thus, can they be called “accidents”? Who is responsible for them? What can we learn from the tragedies near Lampedusa? The complex aetiology of the departures of Africans is worth exploring, in the context of the political erosion and the collapse of the African states. The analysis of the intra-African condition should be complemented with the evaluation of the scale of risk of the European Union’s migration policy, the geopolitical circumstances, and the consequences of migration from Africa to Europe.

Mare Nostrum

Lampedusa is a small, 11 km-long and 3 km-wide island with 6,000 inhabitants. It is the southernmost part of Italy, located 200 km southwest of Sicily, as well as being the closest European territory to Libya – the island lies only 300 km away. The nearest land, Tunisia, is 115 km away. “The whitest island”,⁴ as it has been called in the past, once a harbour for the Phoenicians, Greeks, Romans, and Arabs, became a symbolic gateway to Europe for thousands of Africans. However, for many people its waters became a tomb, a no man’s land dividing the rich North and the poor South. The Mediterranean Sea, called *Mare Nostrum* by the Romans, is transforming into the “European Sea”, yet another jealously guarded wall, which are often built at the borders of civilisations.⁵

A few meters from the rocky shore of the island stands a monument called “the Gate of Lampedusa – the Gate of Europe” (*Porta di Lampedusa – Porta d’Europa*) erected in 2008 by Domenico ‘Mimmo’ Paladino, one of the main representatives of the Italian transavantgarde movement. The simple installation is primarily made up of shoes and bowls invoking the items fished out by the Italian fishermen – the objects left behind by the immigrants who have perished at the sea. The work seems unfinished, as though the artist had left the audience to decide whether to close and wall the gates or to throw them wide open.

The majority of the immigrants reach Lampedusa on boats called *gommoni* (rafts) or *scafi* (little boats) by Italians.⁶ The name of this form of migration – ‘pirogue migration’ – is related to this aspect as well.⁷ A motorboat ticket costs between several hundred and several thousand euro, depending on the middleman, the place of departure, negotiating skills and sometimes the national and ethnic origin of the migrant. Usually, entire families have a whip-round to buy a ticket for a migrant.⁸ Stefano Liberti, an Italian journalist, compares these businesses to savings cooperatives and investment funds.⁹ He points out that the transit is organised both by the migrants themselves

³ Even before all the bodies of the victims of the tragedies of 3 October, and 11 October were retrieved from the water, another boat with immigrants sank 120 km away from the island. At least 34 people died.

⁴ Gabriel Giorgi and Karen Pinkus, ‘Zones of Exception: Biopolitical Territories in the Neoliberal Era’, *Diacritics*, Vol. 36, No. 2, 2006, pp. 99–108.

⁵ Cf. Paola Zaccaria, ‘New Faces, Old Masks: Borders and Confinements between the Desert and the Mediterranean Sea’, *Human Architecture: Journal of the Sociology of Self-Knowledge*, Vol. 5, 2007, pp. 305–318.

⁶ David Forgacs, ‘The Words of the Migrant: Tales of Contemporary Italy’, *Papers of the British School at Rome*, Vol. 76, 2008, pp. 277–297.

⁷ María Hernández-Carretero and Jørgen Carling, ‘Beyond “Kamikaze Migrants”: Risk Taking in West African Boat Migration to Europe’, *Human Organization*, Vol. 71, No. 4, 2012, pp. 407–416.

⁸ Elie Goldschmidt, ‘Storming the Fences: Morocco and Europe’s Anti-Migration Policy’, *Middle East Report*, No. 239, 2006, pp. 36–41.

⁹ Stefano Liberti, *Na południe od Lampedusy: Podróże rozpaczy* [South of Lampedusa: Journeys of Despair], translated by Marcin Wyrembelski, Wołowiec: Wydawnictwo Czarne, 2013.

and extensive networks of criminals. A precise valuation of a ticket is problematic, and the estimates given by various organisations monitoring the scale of the phenomenon differ greatly.

According to the UNHCR, between 1999 and 2013, more than 200,000 people reached Lampedusa from different locations in the south.¹⁰ The majority of them are Eritrean, Somali, Egyptian, Libyan, Malian, Afghan and Syrian. Some of them have looked for a job on the island, however, finding an employment there, even as a waiter, is nearly impossible. Some of them have been provided with aid and shelter by the inhabitants of Lampedusa. Others have tried camping out in cramped shelters built near the caves by the beaches. The presence of the immigrants has scared off as much as half of the tourists who used to travel to Lampedusa strictly to spend their holidays,¹¹ not least because of its beaches, considered the most charming in the world.¹² However, the presence of the immigrants is seen as a tourist attraction by some tourists. Perhaps some of them are familiar with the controversial notion of slum tourism.

Immigrants, under the escort of the Italian *carabinieri*, reach the Reception Center (CDA) of Lampedusa, an accommodation centre for immigrants. The facility, created in 1998, was designed to provide medical attention and first aid to 200–300 people. Despite this, it has been accommodating more than a thousand people for years.¹³ Its living conditions have led to regular, albeit ineffective, protests by the UNHCR and human rights groups, as well as the immigrants themselves. Some of them have protested against the facilities, but also the Italian and European asylum policy in general, on the main square of the city. Others decided to undertake more dramatic steps – in 2009, 2011, and the last time in May 2016, it was supposedly the migrants who set the facilities of the Reception Center on fire.¹⁴

It is estimated that in the past three decades, over 20,000 Africans have drowned by the shores of Lampedusa – every tenth migrant who tried to enter Europe. During the Arab Spring alone 2,000 people fleeing the wave of violence in the Maghreb have perished.¹⁵ Every month, new, nameless graves fill the cemetery in Cala Pisana.

¹⁰ Michał Wilgocki and Justyna Suchecka, 'Znowu utonęli imigranci' [Immigrants Drowned Once Again] *Gazeta Wyborcza*, No. 239, 2013, p. 10.

¹¹ Ewa Tuz, 'Lampedusa – między rzeczywistością a doniesieniami medialnymi' [Lampedusa: Between Reality and Media Reports], *Biuletyn Migracyjny*, No. 32, 2011, p. 9.

¹² In this context, the irony can be seen in the fact that at the beginning of 2013 Lampedusa Rabbit Beach has been voted the most beautiful beach in the world in Trip Advisor ranking. Cf. *TripAdvisor Announces 2013 Travelers' Choice Beaches Awards*, https://tripadvisor.com/PressCenter-i5762-c1-Press_Releases.html (accessed 26 August 2016).

¹³ Cf. e.g. Jarosław Mikołajewski, 'Grób nieznanego uchodźcy' [The Tomb of the Unknown Refugee], *Gazeta Wyborcza*, No. 239, 2013, p. 20; *Lampedusa migrant centre conditions 'desperate' after rescues*, 17 February 2015, www.bbc.com/news/world-europe-31501782 (accessed 2 September 2016).

¹⁴ 'Migrants Set Fire to Lampedusa Migrant Shelter in Protest', 17 May 2016, www.reuters.com/article/us-europe-migrants-shelter-fire-idUSKCN0Y82P6 (accessed 3 September 2016). Then the immigrants are transported to a larger facility in Italy, from where they are deported or referred to the centres for asylum seekers. It should be added that for many years prior to the agreement between the EU and Turkey on migrants from 2016 EU politicians called for an expansion of regional protection zones and transit processing centers outside the EU. Humanitarian groups protested against these projects. Cf. Rutvica Andrijasevic, 'Lampedusa in Focus: Migrants Caught between the Libyan Desert and the Deep Sea', *Feminist Review*, No. 82, 2006, pp. 120–125.

¹⁵ Tomasz Bielecki, 'Czy Lampedusa to wypadek?', [Is the Lampedusa Case of Accident?] *Gazeta Wyborcza*, No. 237, 2013, p. 12.

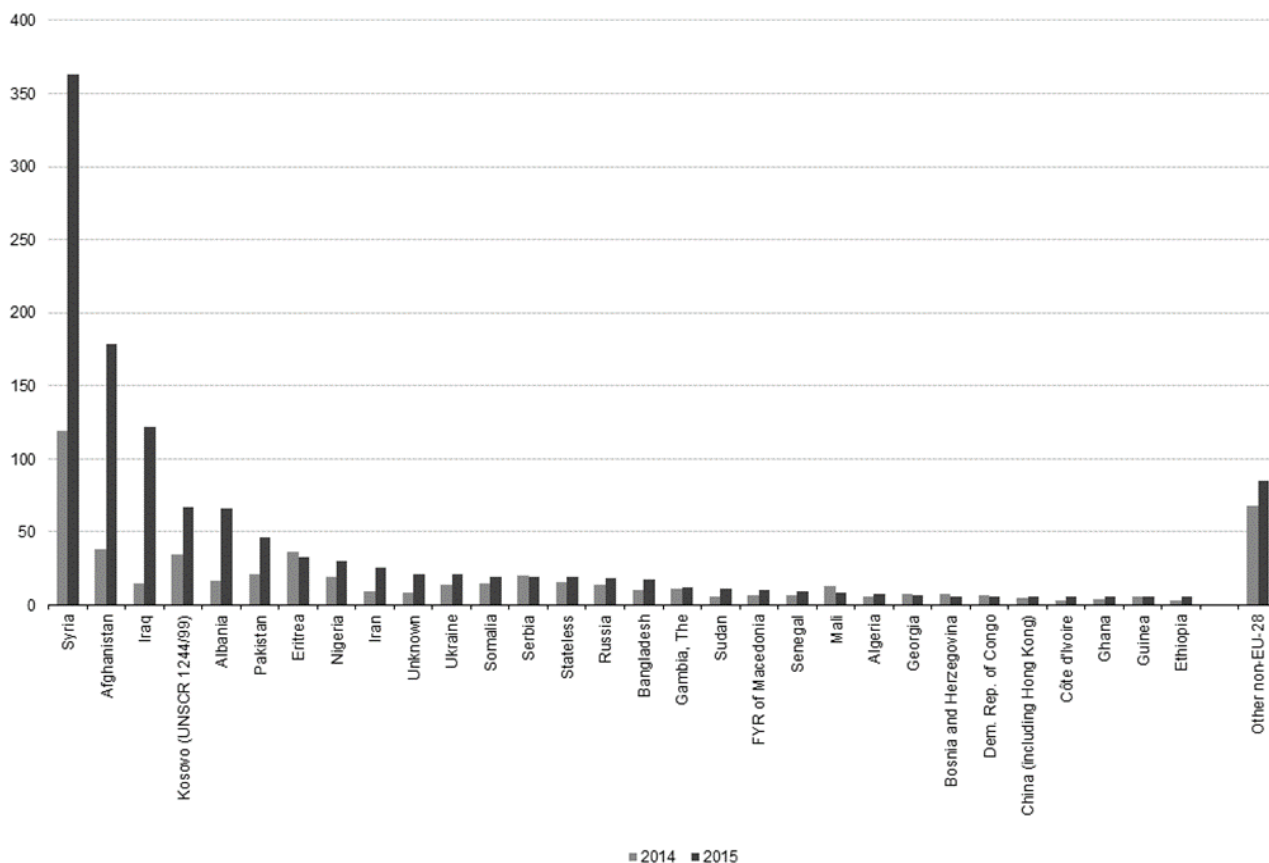


Table no. 1. *Countries of origin of (non-EU) asylum seekers in the EU-28 Member States, 2014 and 2015 (thousands of first time applicants)*, [www.ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries_of_origin_of_\(non-EU\)_asylum_seekers_in_the_EU-28_Member_States,_2014_and_2015_\(thousands_of_first_time_applicants\)_YB16.png#filelinks](http://www.ec.europa.eu/eurostat/statistics-explained/index.php/File:Countries_of_origin_of_(non-EU)_asylum_seekers_in_the_EU-28_Member_States,_2014_and_2015_(thousands_of_first_time_applicants)_YB16.png#filelinks) (accessed 20 September 2016).

The Hypocrisy of Lampedusa

The phenomenon of pirogue migration on the one hand blurs the definition of crime, and on the other hand, as some would say, extends it to an absurdly large degree. According to the so-called Bossi-Fini law of 2002,¹⁶ a migrant who illegally crosses the border of Italy, becomes a criminal – not only the smuggler, but also the passenger of a boat. What is more, anyone helping the immigrants may be considered a criminal,¹⁷ e.g. a fisherman hurrying to the aid of a sinking boat full of immigrants.

Under the Bossi-Fini law, identification centres were created in order to detain asylum seekers and accelerated procedures of examining the asylum applications were introduced. This raised the concerns of many human rights groups, which stressed that the rules on detention of the immigrants may be breaching international law, and that the new rules may conflict with the fundamental rules of the international refugee law, such as the right to asylum or the non-refoulement principle,

¹⁶ The name of the Act comes from the names of the applicants – Gianfranco Fini and Umberto Bossi. For more on the effects of implementation of the immigration law of 2002 see: Alessandra Ballerini and Alessandro Benna, *Il muro invisibile: Immigrazione e Legge Bossi-Fini* [Invisible Wall: Immigration and Bossi-Fini Law], Genova: Fratelli Frilli Editori, 2002.

¹⁷ Tomasz Bielecki, 'Czy Lampedusa...'

which prohibits returning or expelling asylum seekers to a country in which they may face human rights violations.¹⁸

After the tragedy in Lampedusa, the Italian immigration law turned manifestly sarcastic. All the drowned immigrants were posthumously awarded Italian nationality, were given official state funerals and the day itself was declared one of national mourning. Meanwhile, under the Bossi-Fini law, those who survived could have been deported to Libya at any moment. In this context, Mary Dejevsky commented on the ‘hypocrisy of Lampedusa’: “[b]ut such measures are grotesque and will only reinforce the idea, among would-be refugees and their advocates, that a dead migrant is preferable – at least in the eyes of the receiving country – to a live one. Will the Italian authorities, I wonder, be so keen to grant the survivors citizenship? Or even allow them into the country?”¹⁹

In July 2013, Lampedusa was visited by Pope Francis – it was his first journey outside Rome since he had taken the papal seat. According to Vatican experts, it was a penitential pilgrimage, a symbolic journey to the periphery of Europe, which is filled with the suffering of those from outside Europe. The pope tossed a wreath of white and yellow chrysanthemums off the deck of a coastguard patrol boat as a tribute to the victims. He then celebrated a Mass near a pile of refugee boats called a ‘boat graveyard’. In his homily, Pope Francis, the first non-European pope, pointed out the “globalisation of indifference” affecting Europeans and other nations of the rich North, who downplay the problem of the migration from the poor South: “The culture of comfort, which makes us think only of ourselves, makes us insensitive to the cries of other people, makes us live in soap bubbles, which, however lovely are insubstantial; they offer a fleeting and empty illusion which results in indifference to others; indeed, it even leads to the globalization of indifference. In this globalized world, we have fallen into globalized indifference. We have become used to the suffering of others: it doesn’t affect me; it doesn’t concern me; it’s none of my business! [...] Lampedusa is a beacon. May this example be a beacon that shines throughout the world, so that people will have the courage to welcome those in search of a better life”²⁰

Pope Francis’ “message of solidarity of continents, religions, and nations”²¹ draws attention to the ideological context of the European immigration policy. The answer to the question whether Europe should host refugees is not exclusively linked with the diagnosis of the moral condition of the Old Continent. Because of its scale, the migration of Africans has become one of the major challenges facing Europe, closely related to both security policy, as well as a question of the ideological future of the European welfare state.

African Diaspora in Europe

The African diaspora in Europe is very diverse. It consists of both the people who have been there for generations, as well as the new immigrants – legal and illegal alike. The latter are often

¹⁸ *Amnesty International Report 2006: The State of the World’s Human Rights*, London: Amnesty International, 2006, p. 151.

¹⁹ Mary Dejevsky, ‘The Lampedusa hypocrisy: Italy prefers its migrants dead on arrival’, *The Spectator*, 10 October 2013, www.blogs.spectator.co.uk/2013/10/the-lampedusa-hypocrisy-italy-prefers-its-migrants-dead-on-arrival (accessed 25 August 2016). NGO activists point out that the concept of irregular migrants, replicated in EU documents, conceals a hidden fear of non-Europeans.

²⁰ *Homily of Holy Father Francis*, given on 7 July 2013 on ‘Arena’ Sports Camp, Salina Quarter of Lampedusa, w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130708_omelia-lampedusa.html (accessed 26 August 2016).

²¹ Mikołajewski, ‘Grób nieznanego uchodźcy...’

willingly smuggled, or they are trafficked against their will for cheap, or frequently, free labour.²² France is inhabited by 5 million Africans, the United Kingdom by 3 million, and Germany and Italy by a million each.²³ The governments of each of these countries are trying to work out a strategy of controlling the influx, reception, and integration of the newcomers. They are frequently portrayed as culturally, ethnically and religiously “alien” – both in the media and in political discourse and those of them who follow Islam, are portrayed as terrorists. This stigmatising discourse is often adopted by populist nationalists, who, trying to exploit the social discontent, turn the European fear of the unknown into political capital. For instance, the campaign slogan of one of the Italian politicians reads: “Difendi il tuo futuro: fuori i clandestini” (Defend your future: Out with the illegal immigrants).²⁴ With such statements, politicians deny both the history of colonial relations, as well as the well-established tradition of the flow of people between metropolitan areas and the periphery of the old empires.

Janusz Tazbir, a Polish historian, in his paper dedicated to the concept of the bulwark of Christian Europe (*antemurale christianitatis*) noted that politicians often do not see the ease with which the myth of defence against the “Alien” degenerates into a claustrophobic conviction of one’s own uniqueness, combined with stigmatisation of “Others”.²⁵ Over the last several years, the stereotype of Arabs, Africans and Muslims taking jobs from Europeans and fuelling the black market, while simultaneously not assimilating has been increasingly reappearing in the EU’s public debate.²⁶ This prejudice, like every stereotype, has little basis in facts. A significant part of the immigrants indeed does work in the hidden economy, does not pay taxes and lives in ghettos, interfering with the (often questionable) aesthetic of European suburbia. Is such an attitude represented by some people, however, reason enough to tighten the immigration policies concerning all immigrants?

According to many media outlets and politicians, some immigrants conceal the real reasons for their journey, which are economic.²⁷ For this purpose, they exaggerate the level of threats in their home country and accentuate the “theme of martyrdom” of their journey, in the hope that EU officials recognise them as political refugees and not as illegal economic immigrants. The effects of this distortion or coercion are reflected in the increase in xenophobic sentiments in Europe, which the successive waves of immigrants are experiencing more and more.²⁸

The Collapse of Countries and the Crisis of the Political Elites

In characterising the psycho-social attitudes of the migrants, Stefano Liberti noted that “[t]hey do not abandon their dreams; they crave Europe, they catch onto every tiniest piece of information which helps them remain under their dreamlike illusion. From a distance, their struggle

²² Ruben Andersson, ‘A Game of Risk: Boat Migration and the Business of Bordering Europe’, *Anthropology Today*, Vol. 28, No. 6, 2012, pp. 7–11.

²³ Julia Choe, *African Migration to Europe*, 10 July 2007, New York: Council of Foreign Relations, www.cfr.org/world/african-migration-europe/p13726 (accessed 10 January 2014).

²⁴ Forgacs, ‘The Words of the Migrant...’

²⁵ Janusz Tazbir, *Polskie przedmurze chrześcijańskiej Europy: mity a rzeczywistość historyczna* [Poland as a Rampart of Christian Europe: Myths and Historical Reality], Warszawa: Wydawnictwo Interpress, 1987.

²⁶ Hein de Haas, ‘The Myth of Invasion: The Inconvenient Realities of African Migration to Europe’, *Third World Quarterly*, Vol. 29, No. 7, 2008, pp. 1305–1322.

²⁷ Sara Hamood, *African Transit Migration through Libya to Europe: The Human Cost*, Cairo: AUC, 2006.

²⁸ Paola Zaccaria, ‘Medi-terranean Borderization’, *Signs*, Vol. 37, No. 1, 2011, pp. 10–18.

may seem insane, however, in reality, it is often their only weapon”.²⁹ This poetic description shows the desperation of the Africans heading for Europe. Researchers of this phenomenon, especially sociologists and demographers, point out that the decision to migrate rarely has only one cause, and usually its reasons are political and economic, as well cultural or familial. When building models designed to explain the phenomenon of migration, many of them use a typology of push and pull factors. Evaluating which of them have a greater impact on the decision to migrate can bring us closer to the answer to the question of who is to blame for the tragedy near Lampedusa and where to look for solutions to the migratory problems.

Many politicians, but also some journalists, researchers and public opinion, think that the main cause of migration from Africa to Europe is the terrible quality of governance, the crisis of the post-colonial elites and the collapse of states in sub-Saharan Africa – factors which force their citizens to consider migration for survival.³⁰ The crowning argument in these discussions is the Failed States Index.

The Failed States Index was established in 2005 by the analysts of *Foreign Policy*, a periodical founded in 1970 by Samuel Huntington and Warren Manshel, and the representatives of Fund for Peace, a non-governmental organisation based in Washington. A decade after its founding, the number of indicators of the Index varied. The authors of the successive reports suggest that this was influenced by the dynamics of geopolitical relations in the era of globalisation. This statement, a typical example of political science empty talk, conceals the conviction that the growing importance of the countries of the South in the international arena constrains an adjustment of the indicators of the condition in these countries. Initially, the FSI was based on the analysis of uneven development, the legitimacy of state authority and the risks associated with demographic trends. Over time, the list was extended to a degree of control over the territory of the country, the level of internal security, access to basic social services and the existence – understood in the Weberian sense – of a state monopoly on the use of force. Another change was related to recognising the role of corruption, seizure of power by the elites, ethno-religious divisions and the lack of the rule of law. At the end of the first decade of this century, the list was expanded to include evaluation of the instruments of crisis management.

Currently, the index is based on an evaluation of 12 indicators: demographic pressure, the number of refugees (including internal refugees), the functioning of groups of victims, the movement of people, development disparities, poverty, economic recession levels, legitimacy of state authority, quality of public services, respect for human rights, security of citizens, divisions among the political elites, as well as external aggression.

In 2014, the name of the index was changed: the term “failed” was replaced with the word “fragile”, which in this context means “unsteady”, “weak” or – according to some political scientists – “predysfunctional”.³¹ The Fund for Peace pointed out that even though the term “failed” drew the attention of the public opinion, it also became a distraction from the point of the Index, which is to encourage discussions that support an increase in human security and improved livelihoods.³²

²⁹ Liberti, *Na południe od Lampedusy...*, p. 71.

³⁰ Martin Baldwin-Edwards, ‘Between a Rock and a Hard Place: North Africa as a Region of Emigration, Immigration and Transit Migration’, *Review of African Political Economy*, Vol. 33, No. 108, 2006, pp. 311–324.

³¹ Błażej Popławski, ‘Failed States Index – państwa kruche czy upadłe?’ [Failed States Index: Fragile or Failed States?], *Kultura Liberalna*, No. 287, 2014.

³² *Renaming the Failed States Index*, 28 May 2014, www.library.fundforpeace.org/blog-20140528-fsirenamed (accessed 28 August 2016).

This statement may conceal the belief that the term “failed” has acquired an overly pejorative connotation, both in the eyes of politicians and the public, and thus, it has ceased to be useful in the scientific description of reality, thereby dismissing the chances for understanding and a constructive discussion. “Failed” and “collapsed” were becoming less and less meaningful, and these terms gradually started causing annoyance, whereas for some politicians and the public, especially those from the “fragile states”, they were insulting or at least politically incorrect.³³

	Fragile States Index 2016	Total	Demographic Pressures	Refugees and IDPs	Group Grievance	Human Flight	Uneven Development	Poverty and Economic Decline	Legitimacy of the State	Public Services	Human Rights	Security Apparatus	Factionalized Elites	External Intervention
1	Somalia	114,0	9,7	9,7	9,4	9,5	9,3	9,0	9,5	9,0	9,7	9,7	10,0	9,5
2	South Sudan	113,8	9,9	10,0	9,9	6,6	9,0	9,3	9,7	10,0	9,7	10,0	9,7	10,0
3	Central African Republic	112,1	8,7	10,0	9,3	7,2	9,9	8,6	9,8	10,0	9,9	9,2	10,0	9,5
4	Sudan	111,5	9,0	10,0	9,8	9,1	7,6	8,7	9,8	9,1	9,3	9,2	10,0	9,9
4	Yemen	111,5	9,5	9,6	9,5	7,5	8,4	9,4	9,4	9,3	9,4	10,0	9,5	10,0
6	Syria	110,8	8,4	10,0	10,0	8,6	7,4	7,8	10,0	8,9	9,8	10,0	9,9	10,0
7	Chad	110,1	9,9	9,8	8,5	8,9	9,3	8,0	9,2	9,8	9,3	9,1	9,8	8,5
8	Congo (D.R.)	110,0	9,1	9,7	9,7	6,8	8,9	8,1	9,3	9,7	10,0	9,2	9,8	9,7
9	Afghanistan	107,9	9,5	9,5	8,6	8,4	7,5	8,5	9,1	9,6	8,7	10,0	8,6	9,9
10	Haiti	105,1	9,2	7,9	6,7	9,0	9,5	8,9	9,4	9,4	7,7	7,9	9,6	9,9
11	Iraq	104,7	8,1	9,4	9,8	7,9	7,5	6,8	9,2	7,8	8,9	10,0	9,6	9,7
12	Guinea	103,8	8,9	8,4	8,8	7,5	7,4	9,4	9,8	9,2	7,9	9,0	9,9	7,6
13	Nigeria	103,5	9,1	7,7	9,4	7,4	8,8	7,7	8,8	9,4	9,1	9,7	9,9	6,5
14	Pakistan	101,7	8,9	8,9	9,7	7,3	7,0	7,4	8,3	8,2	8,2	9,3	8,9	9,6
15	Burundi	100,7	9,5	9,1	8,1	6,5	7,4	8,2	9,0	8,2	8,5	9,0	8,5	8,7
16	Zimbabwe	100,5	8,6	8,7	7,5	8,1	8,2	8,3	8,9	8,5	8,4	7,8	9,8	7,7
17	Guinea Bissau	99,8	8,3	7,5	5,4	8,3	8,7	8,5	8,9	9,5	7,5	9,1	9,6	8,5
18	Eritrea	98,6	9,1	8,5	6,6	8,0	7,5	8,3	9,5	8,6	9,1	7,4	8,1	7,9
19	Niger	98,4	9,5	8,0	7,7	7,2	8,2	8,0	7,8	9,2	6,7	8,9	8,9	8,3

Table no. 2. Fragile States Index 2016, www.fsi.fundforpeace.org/rankings-2016 (accessed 25 August 2016). 0 is the lowest and 10 is the highest rate.

The results of the subsequent FSIs do not leave any doubt. Africa is the continent with the biggest number of existing fragile or failed states. This ‘plague’ is present to the greatest extent to the south of the Sahara, especially in Central Africa, the eastern part of the Sahel, and the Horn of Africa. The most fragile countries of the world are: Somalia, South Sudan (also the youngest country in the world), the Central African Republic, Sudan, Yemen, Syria, Chad, and the Democratic Republic of Congo. Other countries among the top 20 often include Guinea, Nigeria, Burundi, Zimbabwe, Guinea Bissau, Eritrea, Niger, and Kenya. Of the 50 states with the highest degree of dysfunctionality, two thirds are African countries.

What determines such a ranking for the African countries in the FSI? In short, the post-colonial heritage and the condition of modern political elites. African countries – speaking *en bloc* –

³³ At the same time, it can be argued that the term *failed* was exaggerated, since many countries that were in the end of the list a few years ago, such as Sierra Leone, have recently shown a strong increase in GDP (which rarely translates, however, to a reduction of the economic stratification).

are characterized by the lowest level of economic development and education, and the highest rate of poverty in the world, as well as vehement tribalism, which – according to political scientist Robert Kłosowicz, a specialist in dysfunctional countries – leads to atrophy of state institutions and the world's largest number of armed conflicts.³⁴ It is necessary to include the socio-political reasons on this list: the lack of professionalisation of elites, delegitimation of state authority, corruption and clientelism devastating the public sphere, the slow emergence of a middle class, the lack of an institutional base of civil society and difficulties with development of the identification of the state. Demography also plays an important role: a progressive age structure, a very high population growth, the lowest life expectancy, highest mortality rate and the largest number of people infected with HIV. It is frequently overlooked that the lack of demographic balance, marginalised in the short term, often has a direct effect on the long-term political stability of countries.

It seems that when analysing the problem of disintegration of sub-Saharan countries, the authors of the FSI, as well as some European political scientists, do not pay due attention to the impact external actors have on the stability of the political systems of these countries. The policies of the former colonial powers, as well as the emerging powers such as the BRICS (Brazil, Russia, India, China and South Africa), do not contribute to the strengthening of statehood in African countries. This can be seen not only on the example of predatory investment, but also of some peacekeeping and stabilization missions conducted under the aegis of the UN.

According to many commentators, from its foundation the authors of the FSI have been laying increasing emphasis on how states should operate, rather than on the causes of falling states. Sceptics accused them of excessive universalism, paternalism, or Westernism, and argue that the concept of failed states has become a tool in the creation of post-imperial U.S. policy. Some of them may be referring to Noam Chomsky, who, in his book *Failed States: The Abuse of Power and the Assault on Democracy* (2006), pointed out that the American classification of the countries as areas of increased security risk, is in fact a manipulation, and leads to abuse of international law. Proving the collapse of a country has often been used to justify American interventions and “righteous wars” at the periphery of the world usually concealing the desire to appropriate new resource centres. As Radosław Rybkowski, an Americanist at the Jagiellonian University, writes: “[t]he question – who needs failed states? – must lead to a surprising answer in the modern world. There are many groups to which failed states, both as a phenomenon and concept, are very useful. The concept of failed states, becoming part of the discourse, convinces people of the rightness of political decisions in developed countries. It also contributes to the generous support of non-governmental organisations' activities by private persons. [...] [The notion of failed states] is useful for too many institutions and people in achieving their own goals – including the scientists, who can thus describe the subject of their research”.³⁵

Recognising lists such as the ranking of failed states as objective tools for comprehensive assessment of the causes of migration from Africa to Europe may therefore be controversial. In turn, the advantage of these types of conceptual frameworks is that they draw attention to the fact

³⁴ Robert Kłosowicz, *Państwa dysfunkcyjne w Afryce Subsaharyjskiej* [Dysfunctional States in Sub-Saharan Africa], in *Państwa dysfunkcyjne i międzynarodowe wysiłki zmierzające do ich naprawy* [Dysfunctional States and International Efforts Towards Their Improvement] Robert Kłosowicz (ed.), Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2014, p. 14.

³⁵ Radosław Rybkowski, *Komu potrzebne są państwa upadłe?* [Who Does Need the Failed States?], in *Problem upadku państw w stosunkach międzynarodowych* [Problem of the Collapse of States in International Relations] Robert Kłosowicz and Andrzej Mania (eds), Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2012, pp. 21–22.

that Africans will continue leaving their continent until the situation in their home countries does not improve and the rulers will not take full responsibility for the ruled. However, this conclusion should not encourage Brussels to seal the borders, but rather direct its attention to supporting African leaders in their efforts in implementing structural reforms. Migration can be reduced or at least regulated if the basic needs of Africans will be able to be covered in their own countries. From this perspective, development assistance directed to the countries of origin of the immigrants becomes an important component of European migration policy.³⁶

Ritualization and Stereotyping of Migration in Africa

For many Africans, migration to Europe has evolved into a popular initiation ritual, a confirmation of maturity and independence. As Liberti claims “[s]welling with pride and cultivating their desire for revenge, the candidates to Europe [...] never felt defeated. They developed an inclination to willingly take the most difficult challenges, what is more – they were delighted with the potential obstacles in their paths. In other words, the final value of success increased correspondingly to the difficulty of achieving it. The trip to Europe was becoming an initiatory journey. [...] Additionally, it was associated with an element of revenge – for many people emigration was a compensation for wrongdoings, a type of African revenge on Europe, which first exploited it and then left it to its fate”.³⁷ Klaus Brinkbäumer, a German reporter, also invokes the interpretation of the phenomenon of migration in the perspective of a rite of passage by writing that: “[migrants] cannot turn around, they are not allowed to. They would be rejected by their families and ridiculed in the village. Maybe a mother would even hug them, but – stained by failure – they would feel shame. They would be like dead men alive”.³⁸

It is worth noting that for decades many African countries have led pro-emigration policies treating it as a tool for reducing unemployment and social tensions.³⁹ Paradoxically, some of them have fuelled emigration to Europe in order to obtain additional EU funds designed to stop mass migration to Europe. With successive waves of migrants from Africa, the highly skilled professionals, who could have contributed to the development of the middle class or the replacement of the political elites, have escaped their countries. Many African countries experienced a brain drain.⁴⁰

The decision of migrating to Europe often arises from the belief that the promised land lies on the other side of the Mediterranean. Brinkbäumer writes: “[w]e cannot even fathom the depth of the belief about money paving European streets. How powerful the myths are: sadness is black, good is white”.⁴¹ Mass culture plays an important role in strengthening this topos – it willingly

³⁶ W.R. Böhning, ‘Helping Migrants to Stay at Home’, *Annals of American Academy of Political and Social Science*, Vol. 534, No. 12, 1994, pp. 165–177.

³⁷ Liberti, *Na południe od Lampedusy...*, p. 120.

³⁸ Klaus Brinkbäumer, *Afrykańska odyseja* [published in English as: *The Dream of Life: An African Odyssey*], translated by Joanna Czudec, Wołowiec: Wydawnictwo Czarne, 2009, p. 155.

³⁹ Philippe Fargues, ‘Arab Migration to Europe: Trends and Policies’, *The International Migration Review*, Vol. 38, No. 4, 2004, pp. 1348–1371.

⁴⁰ Mohamed A. el-Khawas, ‘Brain Drain: Putting Africa between a Rock and a Hard Place’, *Mediterranean Quarterly*, Vol. 1, No. 5, 2004, pp. 37–56.

⁴¹ Brinkbäumer, *Afrykańska odyseja...*, p. 107.

capitalises on the image of the rich North contrasted with the poor South.⁴² In fact, not least because of the crisis affecting Europe for many years now, particularly the border states (Greece, Spain and Italy), the hopes of many Africans, based on this topos, turn into a painful delusion. Therefore, the question arises: how to overcome similar cognitive scripts that linger in the minds of Africans and other inhabitants of the South? Certainly, education plays an important role in this respect. In short: if they learn in schools that Europe does not offer food, a job, and a roof over their head, then as an adult they will not be so keen to migrate.

Conclusion

Every year, hundreds of thousands of asylum applications are filled across the European Union. Two-thirds of them are rejected.⁴³ Tightening the EU's immigration policy means an increase in spending on border surveillance system run under the aegis of Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union).⁴⁴ *De jure*, Frontex is meant to reduce the number of illegal immigrants, prevent their deaths, and counter organised crime.⁴⁵ *De facto*, the system of the so-called smart borders includes the establishment of a number of instruments of surveillance and control. However, various parties keep questioning the validity of such tools. Opponents of this approach point to the enormous costs, which are additionally disproportionate to the results, but also the fact that every action provokes a reaction – as they argue, the extension of the system of border protection on a given stretch of the border of the European Union will only lead to a change of transit routes, directing immigrants to another section of the border.⁴⁶

An analysis of actions of the EU institutions and Member States shows that the European Union is still looking for its identity, choosing between the project of nation states with ageing demographic structures and the project of cosmopolitan organisms forming a (allegedly) harmonious structure of cooperation.⁴⁷ Successive waves of migration from Asia and Africa can be seen as a test of risk, which is inscribed in the functioning of every institution. So far, the results of this test indicate the instability of the politics and the lack of consensus at the European level and confirm ungovernability crisis in many African countries.

⁴² Gregory White, 'Encouraging Unwanted Immigration: A Political Economy of Europe's Efforts to Discourage North African Immigration', *Third World Quarterly*, Vol. 20, No. 4, 1999, pp. 839–854.

⁴³ Michał Kokot, 'Tysiące pukają do bram Unii' [Thousands Knock at the Gates of the Union], *Gazeta Wyborcza*, No. 187, 2013, p. 8.

⁴⁴ *Rozporządzenie Rady (WE) nr 2007/2004 z dnia 26 października 2004 r. ustanawiające Europejską Agencję Zarządzania Współpracą Operacyjną na Zewnętrznych Granicach Państw Członkowskich Unii Europejskiej* [Council Regulation (EC) no. 2007/2004 of 26 October 2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union], *Dziennik Urzędowy Unii Europejskiej*, L 349/1.

⁴⁵ Dominik Jankowski, 'Po „arabskiej wiosnie” – „zima” dla europejskiej obrony?' [After the "Arab Spring" "Winter" for European defense?], *Bezpieczeństwo Narodowe*, No. 18, 2011 p. 58.

⁴⁶ Liberti, *Na południe od Lampedusy...*, p. 73.

⁴⁷ Lisbeth Aggestam and Christopher Hill, 'The Challenge of Multiculturalism in European Foreign Policy', *International Affairs*, Vol. 84, No. 1, 2008, pp. 97–114.

United States Policy in Libya: Intervention or Assistance?

Abstract

Libya is gaining a higher priority as a center of new Islamic State (IS) activity, a sort of terrorist safe heaven, exporter of refugees and a breeding ground for criminals and trafficking in persons. This study of the U.S. strategy in Libya for counter terrorism and counter insurgency, argues that the United States, with its allies and regional partners, is still assessing the security situation and that a long debate is taking place in Washington to consider the options for future engagement in Libya, with two parallel goals: to support the emergence of unified and capable national governance and reduce transnational threats posed by Libya's instability and Libya-based terrorists.

Introduction

Libya's political transition has been disrupted by armed non-state groups and threatened by the indecision and infighting of interim leaders. The main problem facing Libyans since the end of the 1940s up to and after the end of the rule of Qaddafi in late 2011, is finding a stable government to address pressing security issues, reshape the country's public finances and create a viable framework for post-conflict justice and reconciliation.

As of early 2016, the Islamic State's rise in parts of Libya had become a matter of deep concern among Libyans of course, and also among neighboring countries in Africa and Europe and the international community in general, with flows of migrants, refugees and contraband across Libya's unpoliced borders.

United States and Libya

The United States Administration decision to intervene in Libya in 2011 was based on the pretext of invoking the Responsibility to Protect principle (R2P), and in line with the Obama Doctrine, which sought to appear to comply with international law and in accordance with the world community, committed to the principle of "Leading from Behind". That was vital for eradicating the public image of post 9–11 U.S. unilateralism.

Besides, the 2011 intervention reflected the U.S. strategic vision as described in the 2010 *National Security Strategy* document that awarded a high degree of importance to the pursuit of interests through diplomacy, especially by working through international organizations and respecting international legal norms.¹

Since late 2014 conflict mitigation appeared to be the Obama Administration's top policy priority in Libya. U.S. officials and other international actors have worked since August 2014 to convince Libyan factions and their regional supporters that inclusive representative government and negotiation are preferable to competing groups' attempts to achieve dominance through force of arms. Up to December 2015, when the Security Council Resolution 2259 welcomed the 17 December signing of the Libyan Political Agreement to form a Government of National Accord

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¹ *United States National Security Strategy*, Washington DC: The White House, February 2015, p. 23, https://www.whitehouse.gov/sites/.../2015_national_security_strategy.pdf (accessed 23 June 2016).

(GNA), and called on its new Presidency Council to form that Government within 30 days and finalize interim security arrangements required for stabilizing the country.²

According to the Resolution 2259 (2015), the Security Council endorsed the 13 December Rome Communiqué supporting the Government of National Accord as the sole legitimate Government of Libya that should be based in Tripoli. It called on Member States to cease support for, and official contact with, parallel institutions claiming to be the legitimate authority, but which were outside of the Political Agreement. All Member States were requested to work with Libyan authorities and the United Nations Support Mission in Libya (UNSMIL) to develop a "coordinated package" of support to build Government capacity.³

Libya in the U.S. Strategy: Opportunities or Challenges

The U.S. State Department describes Libya as a terrorist safe haven, and the U.S. government suspended operations at the U.S. Embassy in Tripoli and relocated U.S. personnel out of the country in July 2014. Congress has conditionally appropriated funding for limited U.S. transition assistance and security assistance programs for Libya since 2011. Congressional consideration of the September 2012 attacks on U.S. facilities and personnel in Benghazi is ongoing.

Statements made by U.S. officials in 2016 suggest that U.S. counterterrorism concerns have grown from one side, to the extent that military action against the Islamic State, al-Qaeda and other extremists in Libya may continue and/or expand in as yet unspecified ways, even if political consensus among Libyans remains elusive.

Since the end of 2015, senior U.S. officials have acknowledged the interrelated nature of U.S. objectives. And here are some of these statements to better understanding of how the U.S. administration determines the threat of ISIL in Libya and, ways to deal with it.

In February 2016, senior U.S. intelligence officials identified the ISIL presence in Libya as the group's most developed branch outside of Syria and Iraq and suggested that presence could grow more dangerous if left unchecked. Defense officials believe that Islamic State supporters are moving towards Libya, having found it increasingly difficult to travel to Iraq and Syria. U.S. intelligence estimates suggest the size of the ISIL force there is between 5,000 and 6,000, up from about half that just a few months ago.⁴

According to the Pentagon, there is an effort to confront Islamic State beyond the confines of Iraq and Syria, which remains the primary focus, but as Islamic State metastasizes and spreads to other parts of the world, with the lack of obvious partners on the ground that make the threat more dangerous.⁵

According to the ex-director of U.S. National Intelligence, James Clapper, Libya becomes home to the second-largest and fastest-growing Islamic State group affiliate outside Iraq and Syria,

² *Unanimously Adopting Resolution 2259 (2015), Security Council Welcomes Signing of Libyan Political Agreement on New Government for Strife-Torn Country: 23 December 2015, 7598th Meeting*, New York: UN Security Council, SC/12185, 2015, <https://www.un.org/press/en/2015/sc12185.doc.htm> (accessed 30 April 2016).

³ *Ibidem*.

⁴ 'U.S. General: Number of ISIS Fighters in Libya Doubles', *CNN*, 8 April 2016, <http://edition.cnn.com/2016/04/08/politics/libya-foreign-fighters-isis-doubles> (accessed 30 April 2016).

⁵ *Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room*, Washington DC: U.S. Department of Defense, 19 February 2016, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/659088/department-of-defense-press-briefing-by-pentagon-press-secretary-peter-cook-in> (accessed 10 May 2016).

and a major threat not just to the security of Libya, but also Egypt, Tunisia, Algeria, Mali, Niger and Chad. It could become a jumping off point for terrorist attacks in Europe.⁶

And here are some of the threats of ISIL, as explained by top U.S. officials.

1. ISIL's branches continue to build a strong global network that aims to advance the group's goals, often works to exacerbate existing sectarian tensions in their localities and also plan to strike at Western targets, such as the downing of a Russian airliner in October 2015 by ISIL's self-proclaimed province in Egypt.
2. In Libya, the group is entrenched in Surt and along the coastal areas, and has varying degrees of presence across the country, and is well positioned to expand territory under its control in 2016. The insecurity and conflict in Libya will persist in 2016, posing a continuing threat to regional stability. The permissive security environment has enabled the Islamic State to establish one of its most developed branches outside of Syria and Iraq. As of late 2015, ISIL's branch in Libya maintained a presence in Surt, Benghazi, Tripoli, Ajdabiya, and other areas of the country, according to press reports. Members of ISIL in Libya continue to stage attacks throughout the country.
3. Seeking to influence previously established groups, such as Boko Haram in Nigeria, to emphasize the group's ISIL identity and fulfill its religious obligations to the ISIL 'Caliphate'.⁷
4. ISIL threatens not only North African stability, but Sub-Saharan Africa and Europe as well.⁸
5. The fear to be on a glide slope to a situation like Syria and Iraq.⁹
6. In case of a country has resources, there is fear of a false caliphate with access to billions of dollars of oil revenue.¹⁰

U.S. Policies in Libya

First of all, I will talk about the legal basis for the military operations conducted by the United States against Islamic State in Iraq and Syria, and even the air strikes in Libya, and how they are consistent with both domestic and international law.

Domestically, the U.S. President's authority to fight ISIL is based on the authorization for the use of military force 2001 AUMF passed by the Congress and signed by the President only days after the 9/11 attacks.¹¹

⁶ *Statement for the Record Worldwide Threat Assessment of the US Intelligence Community*, Washington DC: Office of the Director of National Intelligence, 9 February 2016, p. 5, <https://www.dni.gov/index.php/newsroom/testimonies/217-congressional-testimonies-2016> (accessed 10 May 2016).

⁷ *Ibid.*, p. 23.

⁸ Susan E. Rice, *The Global Campaign against ISIL-Partnerships, Progress, and the Path Ahead*, Washington DC: The White House, 14 April 2016, <https://www.whitehouse.gov/the-press-office/2016/04/14/remarks-national-security-advisor-susan-e-rice-us-air-force-academy> (accessed 10 May 2016).

⁹ *Department of Defense Press Briefing by Secretary Carter on Force of the Future Reforms in the Pentagon Press Briefing Room*, Washington DC: U.S. Department of Defense, 28 January 2016, <http://www.defense.gov/News/News-Transcripts/TranscriptView/Article/645952/department-of-defense-press-briefing-by-secretary-carter-on-force-of-the-future> (accessed 02 May 2016).

¹⁰ *U.S. Secretary Of State Remarks at the Ministerial Meeting of the Small Group of the Global Coalition to Counter ISIL*, Washington DC: U.S. Department of State, 2 February 2016, <http://www.state.gov/secretary/remarks/2016/02/251992.htm> (accessed 02 May 2016).

¹¹ Stephen W. Preston, *The Legal Framework for the United States' Use of Military Force since 9/11*, Washington DC: U.S. Department of Defense, 10 April 2015, <http://www.defense.gov/News/Speeches/Speech-View/Article/606662/the-legal-framework-for-the-united-states-use-of-military-force-since-911> (accessed 2 May 2016).

The President's authority was further reinforced by the 2002 AUMF against Iraq, and the threat it posed on the national security of the United States.¹²

In February 2015, President Obama transmitted to Congress his draft AUMF against ISIL in a way that refined and ultimately repealed the 2001 AUMF to better fit the then current fight and the strategy going forward.¹³

The secretary of Defense Ashton Carter elaborated more on the issue in his testimony before the Senate Foreign Relations Committee¹⁴ that the proposed AUMF 2015 gives the authority and flexibility needed to prevail in the campaign against ISIL:

First: taking into account the reality that ISIL as an organization is likely to evolve strategically, morphing, rebranding, and associating with other terrorist groups, while continuing to threaten the United States and its allies.

Second: no geographical restriction for the military campaign, because ISIL already shows signs of metastasizing outside of Syria and Iraq to Libya, Yemen, Egypt, etc.

Third: the great flexibility in the military means needed to pursue the strategy, with one exception that the proposed AUMF doesn't authorize long-term large-scale offensive ground combat operations like those conducted in Iraq and Afghanistan as the strategy isn't calling for them. Instead, local forces must provide the enduring presence needed for an enduring victory against ISIL.

Fourth, the proposed AUMF expires in three years, in a way to afford the American People the chance to assess the progress in three years' time and provide the next President and the next Congress the opportunity to reauthorize it if they find it necessary, with no emphasis that counter-ISIL campaign will be completed in three years.¹⁵

The Secretary of Defense has added another key consideration to the above points, which is sending the right signals, most importantly to the troops, that their government stands behind them. Besides, it will be a signal to the coalition partners and the adversary that the U.S. government has come together to address a serious challenge.¹⁶

But Congressional inaction leaves the U.S. in an open-ended war without much debate on its duration, scope, or use of ground troops. It also gives lawmakers a pass in having to vote on authorizing a war they're otherwise happy to critique. This Congress inaction can be analyzed as a failure of leadership, primarily from the Commander in Chief and secondarily from Congress.

Besides, this proposed AUMF represented, according to many specialists, an effort to mandate a de facto third Obama term of national security policies. Also, the limitations on the use of military operations would likely cause a crisis in the case the coming Republican president chooses to follow his own policy, as simply we are close to a new president in the White House (January 2017).

Functionally, Congress is treating previous authorizations as unlimited declarations that authorize the President to use all force he deems appropriate, resting the legal case for war on previous authorizations and ride out the rest of Obama's term.

¹² Ibidem.

¹³ Ibidem.

¹⁴ *Secretary of Defense Testimony on the President's Request for Authorization to Use Military Force against ISIL before the Senate Foreign Relations Committee*, Washington DC: U.S. Department Of Defense, 11 March 2015, <http://www.defense.gov/News/Speeches/Speech-View/Article/606652> (accessed 02 April 2016).

¹⁵ Ibidem.

¹⁶ Ibidem.

According to the International Law, on the other hand, the U.S. War against terrorism in Iraq is committed to collective self-defense of Iraq, and U.S. national self-defense, and in Syria, consistent with Article 51 of UN Charter.¹⁷

Related to policies, The United States, with its allies and regional partners, continues to assess the security situation and a long debate is taking place in Washington to weigh up the options for future engagement in Libya, with two parallel goals:

- 1) to support the emergence of unified capable national governance;
- 2) reduce transnational threats posed by Libya's instability and Libya-based terrorism.

In pursuing these goals U.S. policy makers face a lot of choices regarding their relative priorities, including the types and timing of possible aid and/or intervention, the nature and extent of U.S. partnership with various Libyan groups, the potential use of sanctions or other coercive measures, and relations with other countries seeking to influence developments in line with their own interests.¹⁸

The Obama Administration is pursuing a comprehensive counterterrorism strategy¹⁹ that draws on every aspect of American power. Here is a look at various policies aimed at combating the threat of terrorism outside and inside U.S. borders.

On 10 September 2014 President Obama announced the formation of a broad international coalition to defeat Islamic State. Since then, the United States has led 66 international partners in a global coalition to counter ISIL with a focus on liberating Islamic State-controlled territory in Iraq and Syria, under the military operation name *Operation Inherent Resolve*. The mission is aimed at striking ISIL at its core, degrading its networks and constraining its prospects for expansion.

The U.S. military has killed several key Islamic State of Iraq and the Levant terrorists and on February 2016 the airstrikes on a training camp in Sabratha, a seaside town 50 miles west of Tripoli in Libya, targeted Noureddine Chouchane, a Tunisian militant associated with planning two major attacks on Western tourists in Tunisia last year, and helped arrange the arrival of Islamic State recruits into Libya, did demonstrate the United States' growing concern over Libya as a new base for the Islamic State and its willingness to use air power against militant commanders and infrastructure. Since 2016, American and allied Western officials have mulled a possible air campaign against the Islamic State in Libya, particularly around its *de facto* headquarters in Sirte. Libyan officials and news media outlets have reported the presence of American, French, British and Italian Special Forces units in the country since then, ostensibly on reconnaissance missions and to liaise with local militias.²⁰

In June 2015, American warplanes struck a farmhouse thought to hold Algerian militant Mokhtar Belmokhtar, who was affiliated with al-Qaeda, while in November another strike killed Abu Nabil, an Iraqi who ran the Islamic State's franchise in Libya.²¹ The raid was the third U.S. airstrike carried out against the Islamic State and Al-Qaeda elements in Libya.

¹⁷ Preston, *The Legal Framework...*

¹⁸ Blanchard, *Libya: Transition...*, p. 1.

¹⁹ *The U.S. Strategy to Defeat ISIL and Combat the Terrorist Threat*, Washington DC: The White House, <https://www.whitehouse.gov/isil-strategy> (accessed 06 May 2016).

²⁰ Declan Walsh, Ben Hubbard and Eric Schmitt, 'U.S. Bombing in Libya Reveals Limits of Strategy against ISIS', *The New York Times*, 19 February 2016, <http://www.nytimes.com/2016/02/20/world/middleeast/us-airstrike-isis-libya.html> (accessed 06 May 2016).

²¹ *Ibidem*.

But American officials stressed that such strikes did not herald the start of such a campaign, and instead was the continuation of targeted strikes that aim to prevent the Islamic State from using Libya as a springboard for attacks in the region or across the Mediterranean Sea in Europe. For the time being at least, the United States seemed set on continuing to attack targets of opportunity in Libya while supporting the troubled process led by the United Nations. President Obama said:

“We will continue to take actions where we’ve got a clear operation and a clear target in mind... At the same time, we’re working diligently with the United Nations to try to get a government in place in Libya. And that’s been a problem”.²²

On August 2016, at the request of the Libyan Government of National Accord (GNA), authorized by U.S. President Barack Obama on the recommendation of Defense Secretary Ash Carter and Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford, the United States military conducted precision airstrikes against ISIL targets in Sirte, Libya, to support GNA-affiliated forces seeking to defeat ISIL in its primary stronghold in Libya. As a part of a comprehensive series of operations planned and controlled by AFRICOM. The first element of this three-phase plan is Operation Odyssey Resolve, consisting of intelligence, surveillance and reconnaissance flights designed to counter violent extremism in Libya. The second phase, Operation Junction Serpent, provided targeting information. The third element, Operation Odyssey Lightning, includes strike aircraft hitting those targets.²³

On 18 December 2016, the U.S. military formally announced the end of operations in the Libyan city of Sirte following the recent capturing of the coastal city from the clutches of ISIL as a major step towards ending terrorism in the country and for further national reconciliation. The United States Africa Command said that the U.S. drones, gunships and warplanes had hammered ISIL positions, conducting a total of 495 strikes.²⁴

Republican critics of the Obama’s administration strategy against Islamic State welcomed the airstrike in Libya. The Chairman of the House Intelligence Committee Rep. Devin Nunes (R-Calif.) mentioned that the threat posed by Islamic State couldn’t be countered without addressing the group’s presence in Libya, to the extent that he call for a new commitment by the Obama administration to put Libya at the center of a comprehensive strategy to defeat international Jihadist groups.²⁵

But on the other side, there were concerns among democratic congressmen that the air strikes represented a kind of commitment to a wider war without a full public debate. Of course, U.S. airstrikes on Islamic State militants in Libya is fueling a belief in a new front in the western-backed fight against the extremist group. But the way ahead for any military campaign there re-

²² *Remarks by President Obama at U.S. – ASEAN Press Conference*, Washington DC: The White House, 16 February 2016, <https://www.whitehouse.gov/the-press-office/2016/02/16/remarks-president-obama-us-asean-press-conference> (accessed 6 May 2016).

²³ Andrew Tilghman, ‘US Conducts New Round of Airstrikes against ISIS in Libya’, *Defense News*, 1 August 2016, <http://www.defensenews.com/story/breaking-news/2016/08/01/libya-airstrikes-isis-us/87914526> (accessed 30 September 2016).

²⁴ Terri Moon Cronk, ‘Liberation of Libyan City Highlights Latest Counter-ISIL Efforts’, Washington DC : Department Of Defense News, 19 December 2016, <https://www.defense.gov/News/Article/Article/1033994/liberation-of-libyan-city-highlights-latest-counter-isil-efforts>. (accessed 23 December 2016).

²⁵ Dan De Luce & John Hudson, ‘Why the U.S. Strike in Libya wasn’t About Libya’, *Foreign Policy*, 19 February 2016, <http://foreignpolicy.com/2016/02/19/why-the-us-strike-in-libya-wasnt-just-about-libya/> (accessed 30 April 2016).

mains unclear. In Libya, there's hardly any sign of a prospective local partner amid the civil war that rages between rival tribes, extremist groups and loyalists to the previous government.

The key for more U.S. military intervention is going to be finding willing, competent partners on the ground. And that is why the U.S. Special Forces teams are there in Libya to get a better sense of the playing field, and the players on the ground.

And here comes the role of the Government of National Accord (GNA), the sole legitimate authority in Libya that would be a turning point in the crisis situation of Libya in terms of the coming role. The first is the need to relax an arms embargo to help fight against the terrorist group ISIL. The Vienna conference co-chaired by U.S. Secretary of State and Italian Foreign Minister (16–17 May 2016), emphasized the partial lifting of the arms embargo. The second is reopening diplomatic missions in Tripoli as soon as possible. The next is delivering basic services and rebuilding the shattered economy.

On the other hand, there would be responsibilities on the international community, as the support of the United States and other western and regional powers, and that has already happened. Other logistical support represented in the supply of specific weapons to counter, and training the new government's presidential guard, and Libyan coast guard to do more to stop people smuggling across the Mediterranean to Italy, and finally resuming oil shipments from Libya.

U.N. Security Council Resolution 2259, mentioned before, endorses UN-facilitated plans for a Government of National Accord to complete the country's transition to a permanent representative government and reaffirms the Council's prior recognition of: "The need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, including those committed by groups proclaiming allegiance to ISIL in Libya".²⁶

Resolution 2259 further: "Urges Member States to swiftly assist the Government of National Accord in responding to threats to Libyan security and to actively support the new government in defeating ISIL, groups that have pledged allegiance to ISIL, Ansar al-Sharia, and all other individuals, groups, undertakings and entities associated with Al-Qaida operating in Libya, upon its request".²⁷

On February 2, the United States and other members of the Small Group of the Global Coalition to Counter ISIL released a statement saying: "We follow with concern the growing influence of ISIL in Libya, and will continue to monitor closely developments there, and stand ready to support the Government of National Accord in its efforts to establish peace and security for the Libyan people".²⁸

U.S. officials have arguably placed increased emphasis on the urgency of forming a GNA so that the new government can formally request U.S. and other assistance and lend some political legitimacy to foreign military intervention, which many Libyans either oppose or about which they harbor reservations.²⁹

In January 2016, U.S. Chairman of the Joint Chiefs of Staff General Joseph Dunford said:

²⁶ *Unanimously Adopting Resolution 2259 (2015)*.

²⁵ *Ibidem*.

²⁸ *Statement by the Ministers of Foreign Affairs of the Small Group of the Global Coalition to Counter ISIL*, Washington DC: U.S. Department of State, 2 February 2016, <http://www.state.gov/r/pa/prs/ps/2016/02/251995.htm> (accessed 30 April 2016).

²⁹ Blanchard, *Libya: Transition...*, p. 10.

“It’s fair to say that we’re looking to take decisive military action against ISIL in conjunction with the political process in Libya”.³⁰

According to the U.S. Special Operations Command-Africa (SOCAF) commander Brig. Gen. Donald Bolduc, the United States role in Libya should be based on a collective decision by the Libyans on what they want, which he believed to be related to the United States advice, assistance, training and a certain amount of equipping in order to be successful³¹. Also a Coalition Coordination Center has been established in Rome to plan and coordinate joint security efforts in Libya³².

The U.S. Defense Department has requested 125 million USD in FY2017 Counterterrorism Partnerships Fund (CTPF) monies for programs in the Sahel/Maghreb region that may benefit Libyan entities or address threats emanating from Libya through partnership with governments in neighboring countries. Tunisia has received significant amounts of security assistance from the United States in recent years, in part to meet threats posed by Libya-based groups.³³

Obama Administration officials have remained committed to providing as much transition support to Libyans as possible, and the Administration requested 20 million USD in foreign operations funding for Libya programming in FY2016.³⁴ Of the funds requested for FY2016, 10 million USD in Economic Support Fund monies would support governance and civil society programs, and 10 million USD split among security assistance accounts would support assessment of and engagement with Libyan security forces. The FY2016 Consolidated Appropriations Act (P.L. 114-113, Division K, section 7041[f]) states that: “Not less than \$20,000,000 shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote democracy and stability in Libya, and for activities to address the humanitarian needs of the people of Libya”.³⁵

For FY2017, the Administration is seeking 20.5 million USD in State Department administered bilateral assistance. According to the request, U.S. programs are designed, in coordination with the international community, to support Libyan government and civil society efforts to establish a democratic, representative political system; strengthen the capacity of critical Libyan institutions to deliver services; secure Libya’s territory; and build an effective and civilian-led national security system.³⁶

Prior to mid-2014, the Obama Administration and Congress reached a degree of consensus regarding limited security and transition support programs in Libya, some of which responded to specific U.S. security concerns about unsecured weapons, terrorist ‘safe havens’, and border security. Given that U.S. military involvement in Libya has deepened in 2016 to combat the Islamic State and potentially to provide support to the national security forces of an emergent Government of

³⁰ Lisa Ferdinando, *Dunford Discusses ISIL, ‘Decisive Action’ in Libya with French Counterpart*, Washington DC: U.S. Department of Defense, 22 January 2016, <http://www.defense.gov/News-Article-View/Article/644249/dunford-discusses-isil-decisive-action-in-libya-with-french-counterpart>, (accessed 30 April 2016).

³¹ Yaroslav Trofimov, ‘Libya Will Need American Help to Defeat Islamic State, General Says’, *Wall Street Journal*, 29 February 2016, www.wsj.com/.../libya-will-need-american-help-to-defeat-islamic-state-general-says-145, (accessed 30 April 2016)

³² Ibidem.

³³ Blanchard, *Libya: Transition...*, p. 12.

³⁴ Colby Goodman, ‘U.S. Shifts to Increase Military Aid to the Maghreb and Sahel’, *Security Assistance Monitor*, 17 February 2015, <http://securityassistance.org/blog/us-shifts-increase-military-aid-maghreb-and-sahel> (accessed 30 April 2016).

³⁵ *Consolidated Appropriations Act, H.R. 2029*, Washington DC: U.S. Congress, 18 December 2015, <https://www.congress.gov/bill/114th-congress/house-bill/2029/text>, (accessed 30 April 2016).

³⁶ Blanchard, *Libya: Transition...*, p. 12.

National Accord, Congress may choose to reexamine the basic terms of any proposed U.S. – Libyan cooperation. In the meantime, Congress also may choose to conduct oversight of ongoing U.S. diplomacy and assistance programs or examine criteria for the potential resumption of U.S. diplomatic operations in Libya³⁷.

Another key for more U.S. military intervention is the coming administration, the American President has a constitutional role as Commander in Chief of the Armed Forces, and position on the world stage, especially with the rise of international terrorist organizations and terror attacks all over Europe in France, Brussels, Turkey, etc., and in other parts of the world, which is why foreign policy issues have come to the fore in the most competitive presidential campaign in the United States, in my opinion.

Although the next U.S. President is going to face a hard choice given the turmoil in the Middle East and North Africa region related to engagement and doing much more to stabilize it, or disengagement from it even much more? And now? Donald Trump was sworn in as the president on 20 January 2017, and his cabinet is putting the broad lines together for the new American foreign policy, in which the issue of the fight against terrorism is an important hub, and Libya occupies a pivotal position.

I will focus on the crisis of Libya in the presidential candidates, in a way to show the degree of differences in strategies and policies between both candidates. For the democratic candidate Hillary Rodham Clinton: she has strongly supported the maintenance of a strong army, but she is totally opposing American Exceptionalism, and supporting advance U.S. interests by building alliances and working with other countries on mutual interests, like the UN and other international institutions, to make it easy for the U.S. to withdraw or restrict their actions. That means Clinton is favoring more disengagement from the Middle East, taking into consideration that she was one of the most supporters to the rebalancing to Asia Pacific in the Obama Administration.

For the Republican Donald Trump: ISIL is making millions of dollars a week selling Libya oil, without any American response: blockade or bomb. It's almost as if the United States doesn't even know what's happening, which could be a fact and could be true. And for counterterrorism Trump prefers to work with any nation in the region that is threatened by the rise of radical Islam on a two-way street strategy, and related to war against ISIL, he said: "ISIS will be gone if I'm elected president. And they'll be gone quickly. They will be gone very, very quickly".³⁸

There will be long-term plan to halt the spread and reach of radical Islam as a major foreign policy goal of the United States and the world, working with U.S. allies in the Muslim world. Events may require the use of military force, but it's also a philosophical struggle, like the long struggle in the Cold War.³⁹

Related to ground strategy in the Middle East, in a March 2016 debate Trump seemed to indicate he would be willing when he is president to deploy tens of thousands of U.S. troops to fight Islamic State. "We really have no choice. We have to knock out ISIL", Trump said: "I would listen to the generals, but I'm hearing numbers of 20,000 to 30,000".⁴⁰

³⁷ Ibid, p. 15.

³⁸ 'Transcript: Donald Trump's Foreign Policy Speech', *The New York Times*, 27 April 2016, <http://www.nytimes.com/2016/04/28/us/politics/transcript-trump-foreign-policy.html> (accessed 02 July 2016).

³⁹ Ibidem.

⁴⁰ 'The Next Commander in Chief. See where Donald Trump wants to take U.S. foreign policy', *Council on Foreign Relations*, 2016, <http://www.cfr.org/campaign2016> (accessed 02 December 2016).

Trump also favors the creation of so-called safe zones for refugees in parts of Syria. He has said the U.S. military could lead efforts to protect these areas but that other countries, particularly the Gulf States and Germany, should pay for the operation, and Russia should make moves in Syria, as is the case for Germany defending Ukraine.⁴¹

To sum up, Trump strongly favors a robust military, but building smart and not necessarily big, to cut back on the troops stationed abroad and focus on quality of troops not quantity, and he supports American Exceptionalism. Working with allies and partners is important, but the United States will engage more in the Middle East to the far of ground military intervention to destroy ISIL.

Remarks

In Libya, the United States had thrown its weight behind a United Nations-led initiative to bring the country's warring factions into a unity government. That process has been plagued by rivalry between Libya's myriad political and militarized factions, and in the meantime, Western alarm at the dramatic expansion of Islamic State in Libya has grown.⁴²

The division over what action the U.S. and the international community should take in Libya speaks to the uncertainty about when and where ISIL should be countered: For Europe, Libya is uncomfortably close and already a jumping off point for migrants willing to take on the rough Mediterranean waters in search of asylum. ISIL pronouncements have previously pointed out that Rome is nearby. Besides terrorist attacks all over Europe, some military officials believe Obama feels that France and Italy, which both have hinted at intervention, should take the lead in any military efforts. Both countries were key to the NATO-led campaign in 2011 that led to Gaddafi's fall, and the United States wants to limit its war against the Islamic State to Iraq and Syria. If the United States should lead in Iraq and Syria, then Europe needs to lead in Libya. By dint of its economic ties and proximity to Europe, Libya threatens European interests far more directly than it does American ones, and NATO's role in the 2011 intervention in Libya can serve as a precedent for European leadership. Of course, the Europeans will not take on the challenge if they are not convinced that the United States intends to do its part to quell the Middle East's civil wars, further underscoring the importance of a coherent, properly resourced U.S. strategy. To aid Europe's fight in Libya, Washington will undoubtedly have to commit assistance related to logistics, command and control, and intelligence, and possibly even combat advisers. But taking into consideration the new developments in Europe, Brexit (Britain Exit E.U.) will result in an E.U. that will be even busier with Europe. This would mean less attention to foreign policy in general, and thus towards the Middle East and North Africa in particular. The European Union loses one of its foreign policy heavyweights: without Britain, Europe is weaker, and this will have its impact on intervention in the Libyan crisis.

For the United States, there are major concerns about allowing another ISIL hub to emerge in the region. While the Islamic State has emerged in other places in North Africa, West Africa and Afghanistan, Libya is seen as its key focus outside of Syria and Iraq. The Washington debate over whether or not to use military force against the Islamic State group's Libya branch is increasingly intense. Opponents of direct military action against the group at this point are right. Such action

⁴¹ Ibidem.

⁴² 'Transcript...'

only offers a quick fix. Opponents of intervention, however, fail to realize that military action is likely needed for a more difficult task – restoring Libya’s sovereignty.

If *de facto* arguments against the use of force in Libya are overblown, calls for direct military action against the Islamic State group are grounded in a misdiagnosis of Libya’s underlying problem. As in Syria, the group thrives in Libya thanks to a civil war that has destroyed the Libyan state. If nothing is done to resolve the underlying problem of Libyan statelessness, direct action against the Islamic State group will only open the door to the spread of al-Qaeda in the Islamic Maghreb, Ansar al-Sharia or one of the other Salafi jihadist groups operating in the region.

Western intervention is of a much lower scale than suggested months ago, partly because the Sarraj administration is under attack of being pro the west, and cannot seem to be dependent on the United States or Europe for help. Many Libyan experts argue against the use of force in Libya on the grounds that another foreign military intervention in Libya will meet with massive resistance from a Libyan population they judge to be unusually suspicious of outsiders. True, some Libyans, such as ISIL, will surely use a foreign intervention to their advantage. But for most Libyans, a range of other factors will determine how they react to foreign boots on their soil. Foremost among these will be whether their lives are improving.

U.S. and European cooperation and assistance to counter ISIL in Libya is essential and Libya is unlikely to ever be peaceful without outside military support. But checking ISIL’s growth in Libya will not be easy. Leaders should prepare for the inevitable costs and tough choices ahead.

Conclusion

No matter of intervention, the problem continues to be related to the political situation in Libya. The best option right now is thus to use force selectively to support the strengthening of the Libyan state. Specifically, the international community needs to be far more assertive about the use of political, economic and military power to coerce key players in Libya to get behind the U.N. brokered unity government and begin the task of rebuilding the country. This strategy is more difficult than striking the Islamic State group, but promises a more lasting effect.

And here the role of regional partners is very critical, and Egypt has a lot of weight in Libya, supporting the GNA, and also the forces of General Khalifa Haftar. Egypt, concerned by border security, is reluctant to abandon its support for Haftar. Egypt’s support for the kind of the European intervention in Libya is incomplete, and that is clearly reflected because of the Egyptian Italian differences over the recent crisis between both countries after killing of the Italian researcher Regeni in Cairo.

The role of the third party to settle a civil war long before it might end on its own is something possible, and Libya isn’t an exception. Scholars of civil wars have found that in about 20% of the cases since 1945, and roughly 40% of the cases since 1995, an external actor was able to engineer just such an outcome. Doing so is not easy, of course, but it need not be as ruinously expensive as the United States’ painful experience in Iraq.⁴³

There are three objectives needed to be accomplished by the intervening power to end the civil war, and in the Libyan case the external actors should be regional and international. First, it

⁴³ Kenneth M. Pollack, ‘Fight or flight: America’s choice in the Middle East’, *Brookings*, 16 February 2016, <http://www.brookings.edu/blogs/markaz/posts/2016/02/16-americas-choice-in-middle-east-pollack> (accessed 02 July 2016).

must change the military dynamics such that none of the warring parties believes it can win a military victory and none fears that its fighters will be slaughtered once they lay down their arms. And this will take time in Libya, because of its tribal structure, and also because of the fact that ISIL isn't the only extremist faction in Libya. All of this in a way makes it as complicated as dealing with Syria and Iraq. The Second, it must forge a power-sharing agreement among the various groups so that they all have an equitable stake in a new government, and in the Libyan case, the GNA is still struggling to assert its authority across the country, and still hasn't been formally recognized by the Libyan Parliament. Also the Coexistence Agreement on 24 June 2016, in Confronting the State of Division and Conflict in Libya, signed by President of the Libyan House of Representatives and Senior Commander of the Libyan Armed Forces Aguila Saleh Issa and First Commander in Chief of the Libyan Armed Forces Khalifa Belqasim Haftar, is a step to more power sharing. Third, it must put in place institutions that reassure all the parties that the first two conditions will endure. To some extent unknowingly, that is precisely the path NATO followed in Bosnia in 1994–1995 and the United States followed in Iraq in 2007–2010.

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2. John L. Esposito and John O. Voll, *Islam and Democracy*, Oxford: Oxford University Press, 1996, p. 23
3. Raymond Hinnebusch, ‘Syria under Bashar: Between Economic Reform and Nationalist Realpolitik’, in *Syrian Foreign Policy and the United States: from Bush to Obama*, Raymond Hinnebusch, Marwan J. Kabalan, Bassma Kodmani and David Lesch (eds), St. Andrews: University of St. Andrews Centre for Syrian Studies, 2010, p. 20.
4. Zygmunt Komorowski, *Kultury Afryki Czarnej* [Cultures of Black Africa], Wrocław: Ossolineum, 1994, pp. 89–90.
5. Larry J. Dimond, ‘Rethinking of Civil Society’, *Journal of Democracy*, Vol. 5, No. 3, July 1994, p. 4.
6. ‘Tunisia’s al-Nahda to Form Party’, *Aljazeera*, 1 March 2011, <http://www.aljazeera.com/news/%20middleeast/2011/03/201131132812266381.html> (accessed 10 November 2011).
7. *Sudan Peace Act Report: 21 April 2003*, Washington DC: Department of State, 2003, www.state.gov/p/af/rls/rpt/2003/19790.htm (accessed 23 August 2013).

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9. Hinnebusch, ‘Syria under Bashar...’, pp. 20, 22.
10. Ibid., p. 186.
11. Ibidem.

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