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L'Afrique et les défis du XXIème siècle  
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A África e os desafios do Século XXI  
إفريقيا وتحديات القرن الواحد والعشرين

**DRAFT VERSION  
NOT TO BE CITED**

**From Flying Carpets to No-Fly Zones:  
Libya's Elusive Revolution/s, according to Ruth First,  
Hisham Matar - and the ICC**

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## WHY LIBYA?

Libya's most recent (and indeed ongoing) uprising – following the largely peaceful popular overthrows of the repressive governments in neighboring Tunisia and Egypt in the first months of 2011 – is said to have begun on February 15, when “fourteen black-robed lawyers demanded the release of Fathi Turbil, a fellow lawyer hauled in for questioning by Abdullah Sanussi, Qaddafi's intelligence chief and brother-in-law.”<sup>1</sup> Two days later, on February 17, the judicial insurgency became a massive popular uprising against the more than 40-year dictatorship of Colonel Muammar Qaddafi. Quickly as that uprising spread, however, from Benghazi in the eastern part of the country to al-Zawiya in the west, Libya's leader marshaled his superior military resources to brutally quell the opposition forces. How would the “international community” and its institutions, especially at the United Nations, respond? What historical – even immediate – precedents were there that might be consulted?<sup>2</sup>

The historical narrative implied in the title, “from flying carpets to no-fly zones” describes the complex and contested situation of Qaddafi's Libya within a changing international order, from the 1969 revolution as recounted by South African historian and anti-apartheid activist Ruth First in *Libya: The Elusive Revolution* (1974)<sup>3</sup> to its fictional reconstructions by exiled Libyan writer Hisham Matar in his semi-autobiographical novels *In the Country of Men* (2006) and *Anatomy of a Disappearance*

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<sup>1</sup> Nicholas Pelham. “The Battle for Libya,” *New York Review of Books*, April 7, 2001. Available at <http://www.nybooks.com/archives/2011/apr/07/battle-libya>

<sup>2</sup> This paper was originally drafted for presentation at the Columbia University symposium convened in early May by Muhsin Musawi on the topic “Arab Intellectual Thought and the Changing Role of the Literati,” where it benefited greatly from comments from the other participants. I also want to thank Caroline Carter and Lucas Lixinski from UT's School of Law and Daniel Kahozi in Comparative Literature for sharing thoughts on Libya in law and in Africa. At the time of the presentation, the questions raised in the paper were only beginning and as I attempt to reformat the paper in late August/early September, some of those questions would seem to have been answered. For example, the ICC did issue indictments on June 27 for the arrest of Qaddafi, his son Saif al-Islam, and his intelligence chief Abdullah Sanussi. Other questions have arisen, however, such as the issue as I write of whether, in the event of the rebels' ultimate success, Qaddafi and his fellow indictees, should be tried in The Hague or face prosecution from a reformed national judiciary in Libya? A luta continua...this paper, however, will focus on the background to those questions, particularly as elaborated by Ruth First and Hisham Matar, and as debated in international circles in the early days of Libya's “Arab spring,” in the event that subsequent hindsight will provide further insights into the pressing questions of “[Afro]-Arab intellectual thought and the changing role of the literati” raised on the original occasion of the paper's presentation.

<sup>3</sup> Ruth First. *Libya: The Elusive Revolution*. Harmondsworth: Penguin, 1974. Hereafter cited by page number in the text.

(2011).<sup>4</sup> That storyline, from Libya's "perverse revolution" to a "revolution betrayed," is now perforce recontextualized within the current debates emanating from international law - including international humanitarian and human rights law - regarding the disposition of multilateral forces, regional commitments, and the "responsibility to protect" (R2P) in responding to this latest of Libya's "elusive revolutions." Should Libya, that is, have been suspended, as proposed on February 25, from the United Nations Human Rights Council (A/HRC/S-15/2)? Referred by the Security Council to the International Criminal Court for investigation, as happened on February 26 (S/RES/1970[2011])? Or subjected to the massive bombardment by NATO and allied forces (including the United States) as ordered by the Security Council on March 17, in the interest of "protecting civilians" (S/RES1973[2011])? What were the grounds? What are the stakes? And what to make of the eventual historical and precedent-setting outcomes, the global implications - and yes, even the inevitable "unintended consequences" ....

In its statement of 25 February 2011, the UN Human Rights Council (of which Libya was then a member), "expressing deep concern at the deaths of hundreds of civilians and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government," decided to "remain seized of the matter." Four days later, on March 1, the UN General Assembly, according to its press release, in an "unprecedented move" voted to suspend Libya's membership in the Human Rights Council (GA/11050). Meanwhile, just a day after the HRC's expression of "concern," on 26 February, the UN Security Council unanimously adopted Resolution 1970), that, in addition to imposing an arms embargo, a travel ban, and an asset freeze on designated Libyan officials, decided too to "refer the situation in the Libyan Arab Jamahiriyya since 15 February 2011 to the Prosecutor of the International Criminal Court." And on March 19, the bombing began...

Should Libya's membership in the Human Rights Council (HRC) have been suspended? Should its leadership have been referred to the International Criminal Court

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<sup>4</sup> Hisham Matar. *In the Country of Men*. London: Viking, 2006. Hereafter cited by page number in the text. And Hisham Matar. *Anatomy of a Disappearance*. London: Viking, 2011. Hereafter cited by page number in the text.

(ICC)? According to Human Rights Watch, in its December 2009 report, *Truth and Justice Can't Wait: Human Rights Developments in Libya Amid Institutional Obstacles*, "over the past decade Libya dramatically transformed its international status from a pariah state under UN, EU and US sanctions to a country that, in 2009 alone, held the Presidency of the UN Security Council, the chair of the African Union and the Presidency of the UN General Assembly."<sup>5</sup> HRW's country summary on Libya in its 2010 *World Report* noted, however, that "government control and repression of civil society remain the norm in Libya, with little progress made on promised human rights reforms." And in his own introduction to that Report on the "misuse of dialogue and cooperation with rights abusers," HRW director Kenneth Roth berated those who "profess a preference for softer approaches such as private 'dialogue' and 'cooperation,'" approaches, in any case, that would now appear to be foreclosed by Libya's suspension from the HRC and its investigation by ICC.<sup>6</sup> And indeed, at the time and since to be echoed by myriad others protesting an ICC indictment, an early commentator, Yaroslav Trofimov argued in the *Wall Street Journal*, that such an investigation (and the presumed impending indictment) could "well be a reason why the Libyan leader has chosen to battle his own people instead of seeking exile."<sup>7</sup>

Libya's suspension from the Human Rights Council, together with its investigation by the International Criminal Court and the indictments that followed, aggressively reinforced by the imposition of the "no-fly zone," continue to raise critical questions for the efficacy of international human rights regimens and the desirability of the enforcement - whether institutional and/or military - of international humanitarian law in the name of the "responsibility to protect" (or R2P). Should, that is, Libya have been suspended from the UN HRC? And should Libya be investigated, even indicted, for war crimes and crimes against humanity by the ICC? Or even just with those of its leader with "command responsibility"? What would Ruth First say, were she still alive? What has Hisham Matar been writing?

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<sup>5</sup> Human Rights Watch. *Truth and Justice Can't Wait: Human Rights Developments in Libya Amid Institutional Obstacles*. December 2009. Available at: <http://www.hrw.org>.

<sup>6</sup> Kenneth Roth. "A Façade of Action: The Misuse of Dialogue and Cooperation with Rights Abusers," Introduction to Human Rights Watch. *World Report*. January 2011. Available at <http://www.hrw.org>.

<sup>7</sup> Yaroslav Trofimov. "Threat of Trial Keeps Gadhafi Fighting," *Wall Street Journal*, March 11, 2011.

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**FROM FLYING CARPETS TO NO-FLY ZONES:**

These two historically and generically distinct versions of Libya - one by a South African historian living in exile in London in the 1960s and 1970s and a second by a Libyan novelist currently living in exile in London - argue not only for the imperatives of historical context, from the early days of Qaddafi's regime through the four decades of its continually perplexed relation to a changing world order, from the Cold War to a more contemporary humanitarian apologetics for economic and military interventionism, but for a geopolitical re-dispositioning of Qaddafi's foreign (and domestic) politics. If, for example, it was at the Arab League's behest (however tepid) that the UN and NATO, with the sluggish assistance of the US, undertook its mission to "protect" Libyan civilians from Qaddafi's deadly predations, the African Union resisted (and continues to rebuff) yet another Western incursion into African political affairs. Libya under Qaddafi has itself had a highly charged and deeply vexed relation to the "international community": once a "pariah" or "rogue" state, placed under sanctions by the United Nations for various infractions of international law (not least its role in the Lockerbie bombing), Qaddafi's Libyan regime had more recently been "rehabilitated," in no small part for its purported assistance in the post-9/11 "war on terror" (including as a destination for US "extraordinary renditions") and its renunciation of weapons of mass destructions (WMD). What is to be made of the Libyan revolution - perverse and/or betrayed - then and now?

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***From Flying Carpets...***

*But it should be possible in Libya to recognize the crisis as an opening for the exploited populations of the world, not in the interests of elite minority ruling groups exclusively, but an opening for the masses of the people; to use the power tilted in the direction of their countries to find the means to forge a concerted strategy of social transformation. Ruth First. *Libya: The Elusive Revolution* (1974) [257; emphasis added]*

The “Libyan revolution” addressed by South African historian Ruth First took place -- at least insofar as revolutions can be dated in such a way -- on 1 September 1969. Army officers, with Muammar Qaddafi as their leader and future head of the Revolutionary Command Council (RCC), seized power from the monarchy of King Idris that had ruled the former Italian colony since its grant of independence in 1951. There are other readers of the revolution, however, who would also call it not so much a “revolution” as a “coup,” and a military one at that. But as coup or revolution, Qaddafi’s Libya provoked at the time, and continues to provide both occasion and prevarication for, ruthless reaction and recalcitrant responsiveness.

Ruth First visited the country of Libya four times in its immediate post revolution/coup period, researching her study of Qaddafi’s then still embryonic, but already embattled regime. *Libya: The Elusive Revolution* was published in the United Kingdom by the Penguin African Library series in 1974 and reprinted in the United States by Holmes and Meier the following year. The fifth of her books at the time, written in the ten years since her departure from South Africa, *Libya* is both continuous and discontinuous with that previous work: *South West Africa* (1963) and its account of the background to the struggle of the former German-colony-become-South-African-trusteeship to appear eventually before the court of world opinion and, in 1990, to take its place among the independent nations of the world; *117 Days* (1965) and her own stay in a South African prison, never appearing before a court – or even charged; *Barrel of a Gun* (1972), the seminal study of military coups in Africa; and *The South African Connection* (1972), co-authored with Jonathan Steele and Chistabel Gurney, which represented the anti-apartheid challenge to the apartheid economy and its western corporate collusionists. What had Libya, that Mediterranean littoral-desertified nascent nation, to do with the sub-Saharan Africa in which First’s previous prescient analyses had been set, their historical narratives staged, the political contests over their geographical grounds and groundings waged?

*Libya: The Elusive Revolution* was commissioned by the late Ronald Segal for the Penguin Africa Library series, which he had been editing since the early 1960s, and which had already published two of First’s previous books: *South West Africa* and *117 Days*. Other titles appearing alongside *Libya* in the Penguin brochure of that year

(1974/75) included significantly, at least for marking the current company Libya was keeping on the global platform of international political struggle: a study by Eamonn McCann of Northern Ireland, Ben Hooberman's *Introduction to British Trade Unions*, *Arabia Without Sultans* by Fred Halliday, Martin Loney's study of "white racism and imperial response" in Rhodesia, and *Explosion in a Subcontinent* regarding India, Pakistan, Bangladesh and Ceylon by Robin Blackburn. As Segal, who was not only an editor of the critically important Penguin series, but a close friend of First and an encouraging, if vigilant, editor of her writing, as Segal once recalled (March 2000),<sup>8</sup> the two South African collaborators in exile in London had speculated shortly after the events of early September 1969 on the Libyan upheaval: what was happening in that "exotic," "unknown" – and yet part of Africa – land?

Ruth First first went to Libya in late 1969, in the early days of the formation of the new regime under Colonel Qaddafi. And her book was going to press by the fall of 1973, even as the October War was being fought between Israel and Egypt and her Arab allies, some of whom First had visited in the course of her research into the "elusive revolution." Nearly four decades later, Ruth First's analysis of Libya in the early years of its revolution remains telling. As Mansour El-Kikhia, whose own study, *Libya's Qaddafi: The Politics of Contradiction* (1997) presents one of the still most probing and provocative inquiries into that history, maintains, "The process of development, as Ruth First noted, was characterized by the statist style of technocratic planning, where the state not only planned production but also actively intervened in it."<sup>9</sup> And indeed, the International Crisis Group, in its June 6, 2011 report on "Popular Protest in North Africa and the Middle East (V): Making Sense of Libya,"<sup>10</sup> similarly cited First's study of the "elusive revolution" as helping to "make sense" of Libya. But such comments represent a retrospective acknowledgement of Ruth First's reading of the Libyan revolution and its writing up in *Libya: The Elusive Revolution*, a writing that she herself had concluded, as if in anticipation....:

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<sup>8</sup> Personal conversation with Ronald Segal.

<sup>9</sup> Mansour El-Kikhia. *Libya's Qaddafi: The Politics of Contradiction*. Gainesville: University of Florida Press, 1997.

<sup>10</sup> Available at [www.crisisgroup.org](http://www.crisisgroup.org)

*But it should be possible in Libya to recognize the crisis as an opening for the exploited populations of the world, not in the interests of elite minority ruling groups exclusively, but an opening for the masses of the people; to use the power tilted in the direction of their countries to find the means to forge a concerted strategy of social transformation. This kind of change can, however, not be bureaucratically improvised from above without the mobilization of the masses of the people, and without their assertion of their need for social control of the productive forces and political systems of their countries. It is also not a change which can be asserted by military régimes bounded by the ideology and the aspirations of petite-bourgeois nationalism. So Libya may well miss her chance to re-make herself, and to take advantage of the power which her assertive policies in the sphere of oil have helped to achieve (257, emphasis added).*

But, had it been possible.....? Or will Libya “miss her chance” after all?

Ruth First meanwhile began her study of Libya’s “elusive revolution” with a reading of the event as first of all nothing short of a “perverse revolution,” asking with regard to the “contradictions and misjudgements of the Libyan revolution” (12) still another question: “What is it about Libya and Gadafi in the seventies,” she wonders, “which explains their eccentricities -- this blinding gap between Libyan interpretation and Arab and world reality?” (13). First locates some of the manifestations of that petulant perversity in various sources. First of all, according to the South African critical reader, Libya’s “late realization of her own identity is, for her, inseparable from the displacement of the Palestinians” (18). The Palestinian saga is yet again another story in itself, but be that as it may, in 1973, for First, “Libyan coup-makers” were, as she says, a “post-setback generation” (18) -- making thereby an important reference to the Arabic terms for the determining moments in then recent Palestinian history: the 1948 *nakba* (or catastrophe) with the creation of the state of Israel and the 1967 *naksa* (or setback) that came with the end of the June/Six Day War of 1967.<sup>11</sup> Still another apparent perversity is alleged to derive from the man himself, the “idiosyncratic character of Mu’ammar

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<sup>11</sup> As First’s Egyptian contemporary, Samir Amin, notes: “Even Libya, desert kingdom of the oil companies, was marked by the emerging role of the Palestinians. The coup d’état which replaced the aging monarchy with a team of petty bourgeois military officers was largely the result of the Israeli aggression of 1967.” Samir Amin. *The Arab Nation: Nationalism and Class Struggles* (1976). Translated by Michael Pallis. London: Zed Books, 1983. P61.



Gadafi," but according to First, "this is not to reflect on the man and his motivation, but on the play of forces in the world in an epoch when every weakness, division, error and obfuscation among dependent peoples produces corresponding strengths for imperialism." As she goes on to say, "The obsession with the leader, even when it is the inimitable Gadafi, is precisely what should be avoided, for the sake of any real perspective" (20). At least one perspectival focus, however, can be situated in what First identifies as the "problems in understanding contemporary Libya [which] is to reconcile the significant and the seemingly absurd which flow from the use of fundamentalist religion to make a social revolution" (23). Nonetheless, for all that its "revolution" may seem to have been "perverse" -- all about Palestinians, personalities, and political pieties -- Ruth First concludes her introduction to *Libya: The Elusive Revolution* with the encomium that the "attempt should be to treat Libya as an intelligible whole" (27).

Like the prefaces that she had written to the earlier *South West Africa* and *The Barrel of a Gun*, Ruth First's prefatory comments to *Libya: The Elusive Revolution* are self-consciously concerned to identify her own relation to the topic and the personal biases, political processes and methodological priorities that inform her undertaking. For all the trouble that she had had with the librarian in Windhoek (South West Africa), for example, who agreed finally and only after much cantankerous discussion that she could continue to "work there, but [that] he would decide what material [she] could not see" (11),<sup>12</sup> and even if "the history of the territory [of South West Africa] is still a matter of contemporary political controversy," First represented her particular version of its story as straining after "that of the African people of the territory, *told to me in person*" (21-2, emphasis added). In the subsequent introduction to *The Barrel of a Gun*, First described her intellectual effort to convey in its pages "something of the way people see, and say things about, their condition, in the scattered, sometimes unattributed, quotations throughout the book" (x), and goes on in the volume's opening lines to describe the disparaging comments from her colleagues on such a project at all: "'Army coups in Africa?' friends said caustically. 'You had best suggest to the publisher a loose-leaf book, or a wad of blank pages at the back'" (3).<sup>13</sup> Was Libya's Qaddafi just another "loose canon," the shot from another "barrel of a gun"? Or was the book/the revolution

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<sup>12</sup> Ruth First. *South West Africa*. Harmondsworth: Penguin, 1963.

<sup>13</sup> Ruth First. *Power in Africa*. New York: Pantheon, 1970.

to be but another loose-leaf page perhaps in the binder of African coups? And what of *Libya: The Elusive Revolution* as the writing on that “wad of blank pages” at the back of Ruth First’s earlier book? In the preface to the Libya study, First wrote in turn, and by way of acknowledgement, both of her interlocutors and of her own commitments, that

[t]here are Libyans to whom I am deeply indebted, not necessarily because they agreed with me or I with them, but because they talked about their country and their problems in ways which helped me to understand them. Official Libya, though it gave me generous assistance, was apprehensive: ‘What will you write?’ they asked. ‘We have had so many bad experiences.’ Some may think the criticism in this book springs from malice and arrogance of the kind they have come to take for granted from ‘foreigners’. I can only say that I have tried to understand Libya in its own context, not Europe’s, and that I tried to measure its achievements against the need for revolutionary change in Africa and the Middle East, which is the cause which Libya so vocally espouses (7-8).

To just what lengths Ruth First indeed went in putting together her analysis of Libya’s “elusive revolution” -- both in her travels and in her thinking -- is suggested in the considerable papers that remain from the history of that several year process. The story is partially told through the receipts from the four visits to the Middle East, in the research notes and correspondence too as she chased down bibliographical references, from the reassurance from confirmations of her insights solicited from colleagues and specialists in the field, the requests for interviews, and along the lines of notes on those exchanges, debates with friends, and disputes with the publishers over the design of the cover, the wording of the “blurb,” and the contractual conditions of its U.S. edition its and prospective translation into other European languages.

In four small spiral-bound notebooks,<sup>14</sup> Ruth First kept track of her interviews, phone numbers of contacts, meeting times and places, and quick impressions of her encounters at embassies, ministries, newspaper offices and banks. One person whose name appears regularly in those small scribbled pages is that of one Mansur Kikhia. Kikhia, (the uncle of Libyan scholar Mansour el-Kikhia) was at the time of First’s visit a member of the revolutionary regime and Under Secretary in the Ministry of Unity and

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<sup>14</sup> Available in the Ruth First Papers, available at Senate House, University College, London.

Foreign Affairs, but who disappeared without further trace in Cairo in 1993 (in circumstances not all that unlike perhaps the 1990 “disappearance” of Hisham Matar’s father). What has become of him? The man who once provided Ruth First entrées to the RCC’s circles and entries in the carnets is no longer there to project the future of that “elusive revolution.” Could “elude” -- like “disappear” in the Latin American context -- have become a transitive verb? But Ruth First’s dated notebooks nonetheless provide some traces of her excursions into the Libyan context in the early 1970s: in Cairo, in Beirut, and in Tripoli and Benghazi, as their labels respectively identify them.

In Cairo, for example, First could -- taking the addresses and phone numbers as a directional indication -- have made contact with Ahmed Baha el-Din, Mohammed Sid Ahmed, Edwar al-Kharrat, Ismail Sabri Abdullah, Fuad Morsi, and Amina Shafik, and discussed with them their political affiliations, the role of the Arab League at the time, and/or their role in the Egyptian Communist Party. But she also noted the pervasively prevalent “pessimism over Palestine.” In Beirut, however, First’s emphasis was rather more on trying to understand the structure -- and the political project -- of the Palestine Liberation Organization, or PLO. Like petroleum, she noted, Palestine seemed to have been one of the “suckling breasts” of the Libyan revolution. Many pages of this one notebook are littered with the jottings of the names and acronyms of the proliferating factions within the Palestinian resistance movement at the time. Party politics were crucial to Ruth First’s critical assessment of a revolutionary process. In Lebanon too, she might well have met with personalities across the checkered board of leading figures of that moment: George Habbash, Nayef Hawatmeh, Abou Ayyad, Nabil Shaath and Ghassan Kanafani. At one point in that carnet, First attempted to outline over seven pages the (every bit as “elusive”) complicated and contested organizational structures of the PLO. But she was especially interested in the debates that were raging at the time over the place of the armed struggle in the resistance movement, the efficacy of plane hijackings, relations with Jews -- and the emergent critique of the organization’s leadership. Most presciently, she noted the pointed query: “why divisions?” These notes toward an attempt to understand the PLO -- its political position, its ideological relations, its internal divisions -- are, from page to page of the notebook, interrupted by

outlines, charts, notes and fragments of conversation, and just as occasionally interspersed with notes on the struggle in Eritrea against the Ethiopian government.

Yet another notebook kept the addresses for her visits in Benghazi, as well as notes on interview topics and references for further inquiry. The carnet from her 1971 visit to Tripoli, for example, describes a visit to the library there, along with a check-list of books, newspapers, and oil company reports that should still be consulted. There was also a partial list of civilians in the cabinet, a set of notations on and from the current U.S. Army handbook on Libya, along with a reminder to check on the status of political prisoners and – once again – to look into just what was going on with “corruption.” She planned to visit the Bank of Libya’s library, and remembers the “gamins” amongst the crowds in Jarthouna. And in a draft of a letter, jotted down in the notebook, apparently to one of the government responsables and in reference to her intended interview with Qaddafi, she (perhaps all too deferentially?) writes, “There are too many questions for only one interview. May I leave it to the RCC to select the questions he would prefer to discuss?” These preoccupations are summarized at another point in a list form: 1. origins and organisation of the Revolt; 2. shape of Libya’s future political organisation and profile (?); [3 omitted]; 4. Arab unity and the UAR Federation; and 5. aspects of foreign policy. On still another page, First returns to – and doubly emphasizes – the CONCEPT OF CORRUPTION.

In her discussion of the early years of Libya’s “perverse revolution,” Ruth First critiqued the tendency to cultivate the cult of the leader, and sought to eschew such an approach to the Libyan case in the early aftermath of its precocious transformation – whether revolution or coup – when she referred to the “idiosyncratic character of Mu’ammar Gadafi” (20). But that very tendency was nonetheless tendentiously displayed on the jacket {Figure 1} of the first Penguin African Library edition of the book -- and occasioned a considerable exchange of correspondance among readers, publishers and the writer herself. The caricature of Qaddafi – shifty-eyed, gritting his teeth, arms crossed below epauletted shoulders – flying high over oil rigs in the background and atop a *1001 Nights*-style magic carpet, seemed designed to call attention precisely -- or not so precisely, as the case may be – to the man, rather than to the makings of his and Libya’s revolution. As J.A. Allen (of the International Institute for Aerial Survey and

Earth Sciences in Amsterdam) wrote to Penguin's press officer on the book's publication: "It seems strange that you should 'enclose' ideas which are sophisticated and sensitive of new and developing situations in covers which present unsophisticated, crude symbols" (28 October 1974). And as the same correspondent wrote in a follow-up two months later to Penguin's art director, the cover design could well affect negatively the probatory efforts that Ruth First had so conscientiously made to represent the Libyan revolution in "its own context, not Europe's." According to Allan, "more copies of the book would sell in Libya, if your cover had reflected the contents of the book, rather than the superficial, mass-media derived notions represented on the cover." He went on to suggest that Penguin had even "perhaps done [First] a dis-service in terms of her future relationship with Libyan officials and friends, many of whom had provided her with considerable help. She was shrewd enough not to involve them in any retrospective recriminations by writing generous but tactfully unspecific acknowledgements. Her discretion has been completely overshadowed, however, by [...] a clumsy choice of cover design, and her relationship with Libya quite possible (sic) compromised" (17 December 1974). But that was just the front cover. Already Ruth First herself had expressed to Penguin her dissatisfaction with the "blurb" on the back of the book as well: "....how has Penguin come to treat authors in so cavalier a fashion? Why in a schedule that was not so rushed as we'd have wanted it, was I never consulted? I don't like the blurb either for that matter [...] But I think the cover is disastrous [...] I can't remember when I've ever before experienced such frustration with the publisher over a book." And she concluded that letter of 29 July 1974 to her publisher, with the statement that it was an "offensive cover, totally unacceptable...." It was worse, that is, even than the back cover's blurb, which begins: "'By God I am confused', exclaimed Colonel Gadafi at one Libyan popular conference. Where Libya is concerned, who isn't?"

The reviews<sup>15</sup> of *Libya: The Elusive Revolution*, however, told yet another, rather different, even "confusing," story. Or perhaps, if not altogether different stories, still alternative and competing accounts of the complicated rhetorical and political investments in the "elusive," if not "perverse," Libyan revolution. These stories come out on the part of the reviewers and their constituencies, but in their very differences

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<sup>15</sup> All of these reviews are included in the collection of Ruth First Papers, cited above.

they attest just as much as not to First's own critical approaches and her political commitments. In a 1974 review for the *Times Literary Supplement*, Abbas Khader, perhaps picking up on the back cover blurb, opined that *Libya: The Elusive Revolution* was an "interesting but a confusing, and at times a confused book..." Khader maintained that "Miss First condemns Libya to an 'endless coup syndrome' because of the rentier nature of the country's economy and the weakness of the petite-bourgeoisie which has become controlled by the army." By contrast, Michael Saunders, writing for the *New Internationalist* in January 1975, referred to the book as a "cool look at Libya," and Alan Wittleton recommended it to readers of *Comment: Communist Fortnightly Review* as a "much needed account" (5 April 1975). On the occasion of the book's release, *The Guardian* published a full-broadsheet page of extracts from the book's own pages. Carole Collins, herself a United States-based scholar of Libyan politics, reviewed it for *MERIP* (Middle East Research and Information Report) and suggested that a "book like this whets the appetite for further inquiry and analysis, for its shortcomings are a tribute to the significance and complexity of the issues that it raises" (no.37). Among those issues, Collins identified the need to clarify the creation of classes and class fragments by state capitalist-forms of government and production, the problematic focus on the "groups and individuals who make up the army and the RCC," and what she calls First's "troublesome treatment of Islam." But the anonymous review in *Africa Report* later described the study as one that "places this revolution in the context of Libyan national development" (Nov-Dec 1977). Anthony McDermott, meanwhile, a critic for *Middle East International*, also described First's work as providing a "comprehensive analysis and understanding of modern Libya," but nonetheless raised again the question of the seeming - and seemingly alarming - discrepancy between form and content, between the cover design and the political designs mapped by First in her political positioning of Libya's "elusive revolution": "If the designer of the cover had read and digested the book's contents he would never have drawn Gadafy floating on a magic carpet. [...] Analysis in these terms (rentier state) exposes the writer to the danger, from which there may be no escape, of defining Libya in alien terms."

While these reviews emphasized the critical and ideological positionalities and dispositions of readers of the Middle East and international politics, a review that

appeared in the London periodical, *West Indian World*, exhibited the complications of still another partisanship. In that review, Robert Govender wrote first in praise of First's credentials: "In South Africa she was a fearless journalist who was responsible for the exposure of atrocities by white farmers on African labourers in farms in Bethal. In the realm of theoretical Marxism she has perhaps few peers in Africa. But theory is one thing and practice is another." Govender then went on to decry the displacement – both theoretical and geographical – of South African issues across a global panorama: "It is only when Ruth First and her comrades attempted to put theory into practice -- and that in the safety of exile – that they proved the greatest disasters of the century. It is through the romanticism and clumsiness of these people that the so-called guerrilla movement against Vorster has done little more than kill a few mosquitoes." According to Govender in the following, equally caviling, paragraph,

That being so one wonders why Miss First does not stick to her job as a top leader of the ANC or spend her time more usefully producing a critique of the failure of the ANC-inspired-anti-Vorster revolution from abroad.

This question is particularly relevant when one considers the arrogance and all-knowingness with which she attacks the Libyan Revolution and its leader, President Gadaffi. At least Gadaffi fought his way into power and is today carrying out a highly intelligent and popular programme to strengthen the Arab world, do justice to the Palestinian cause, and help Africa expel the remnants of colonial rule. But for Miss First this is a "perverse revolution."

The review was apparently brought to the attention of the International Office of the "C.P." by one comrade to another "comrade." In a letter dated 1/11/74. Ken Biggs wrote by way of an FYI, "Dear Comrade, May I draw your attention to the current issue of the London-based weekly, 'Westindian World' (sic)," and went on to suggest a response to the copy of the review that he attached along with his letter. "Perhaps," he proposed,

you could pass the copy onto a South African comrade who could reply suitably.

I feel that such a reply is very important in view of the influence of the paper in Caribbean circles.

May I add that since the editor (Arif Ali, Guyana) visited Libya earlier this year there has been a very noticeable “love affair” going on between the paper and Colonel Gadhafi.

I would also add that the paper is an ‘open’ one, in the sense that it will publish contributions (articles, letters) on Caribbean affairs irrespective of the political standpoint. In the last year they have reprinted my “Comment” article on Jamaica and Cuba, an article and letters on Cheddi’s arrest, several things I’ve sent them about developments in Cuba, etc.

The letter was signed, “Yours fraternally”..... Did any of the comrades reply? One wonders.

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But what about South African revolutionaries in Libya? Ruth First met with the makers of the Libyan revolution in the early 1970s. Even then, however, as Samir Amin noted in his near contemporaneous study of “the Arab nation” (1976), the “Arab world was a stop-over area, as a turntable between the main areas of civilisation of the Old World...[between] Europe, Black Africa, Tropical Asia.”<sup>16</sup> More than twenty years later, Nelson Mandela helped to negotiate the beginning of the end to international sanctions against Qaddafi’s widely vilified regime. And Qaddafi in turn challenged Mandela’s successor, Thabo Mbeki and his idea of an “African renaissance,” when he infuriated the participants in the EU-Africa summit in Cairo in April 2000, with his denunciations of continued western impositions on their post-colonial dependents. Just over a decade later, however, in the first half of the year 2011, popularly denominated as the “Arab Spring,” the African Union (AU) and South African president Jacob Zuma in particular attempted to broker a cease-fire between Qaddafi’s loyalists and Libyan rebel forces and their representatives in the newly formed Transitional National Council (TNC) – seemingly to little avail. But all that was still to come. As First had written in her preface to *Libya: The Elusive Revolution*: “I can only say that I tried to understand Libya in its own context, not Europe’s, and that I tried to measure its achievements against the need for

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<sup>16</sup> Samir Amin. *The Arab Nation: Nationalism and Class Struggles* (1976). Translated by Michael Pallis. London: Zed Press, 1983. P12.



revolutionary change in Africa and the Middle East, which is the cause Libya so vocally espouses" (7-8).

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*... to No-Fly Zones*

*Anatomy of a Disappearance*, Hisham Matar's second novel, was published in the United Kingdom in March 2011, barely a month after the onset of Libya's latest "revolution" and in the early months of the "Arab Spring." The work had already been announced by the publisher and thus perhaps came as less of a surprise than the Libyan uprising itself, but the proverbial timeliness of the work's "appearance" was nonetheless remarkable in its own right – and for the author's own contributions to the re-writing of Libya's revolutionary history. In the years between the 2006 publication of Matar's first novel, *In the Country of Men*, and the subsequent narrative – a sequel of sorts, the convoluted linearity notwithstanding – the Libyan writer-in-exile had sustained a consistent critical perspective in print on the "elusive" revolution in his country of origin, especially in British newspapers, but in the US media as well. The very titles of these editorials can be telling: "I just want to know what happened to my father," Matar wrote for the London-based *Independent* on July 16, 2006. Like Ruth First's interlocutor, Mansur Kikhia, but three years earlier, Hisham's father, Jaballa, a prominent Libyan dissident, was "disappeared" in Cairo, presumably turned over to Libya by the Egyptian authorities. On January 10, 2010, Matar reported to the London *Guardian*, that it may yet turn out that his father was still alive, a hope rekindled on the basis of a discreet message only just received from a man, himself a former prisoner in Libya's infamous cells of the Abu Salim Prison,<sup>17</sup> who claimed to have seen his father back in 2002. And when the novelist's uncle, Mahmoud, was released from prison soon after the beginning of Libya's current revolution, the two men's telephone conversation, as recounted in "Libya Calling" (NYT, March 9, 2011) focused on the younger's writing career and its prospects: "he began to tease me," Matar wrote. "'When are we going to see another novel? Come on, stop being lazy.'" But, the nephew could now reassure his uncle, *Anatomy of a Disappearance*, all too coincidentally, was already, if just, to be found in London's

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<sup>17</sup> For a briefing on the Abu Salim prison, see Human Rights Watch. "Libya: June 1996 Killings at Abu Salim Prison," HRW, 2003. Available at [www.hrw.org](http://www.hrw.org).

bookstores! Both *In a Country of Men* and *Anatomy of a Disappearance* tell disturbing tales of Libya's revolution/s – elusive, perverse, and betrayed, and anticipate dramatically the conundrums of the continued debate raised anew by the ICC indictments of Libyan leaders and the NATO implementation of a UN-authorized of a “no-fly zone” over Libya.

“Scheherazade was a coward who accepted slavery over death” (15). Or so Suleiman's mother would furiously and repeatedly tell her son. And as Suleiman would recall, “Nothing angered Mama more than the story of Scheherazade” (15), although he, the young boy growing up in Qaddafi's 1979 Libya – just one decade into the “elusive, perverse” revolution, “had always thought Scheherazade a brave woman who had gained her freedom through inventing tales” (15). Suleiman, the storyteller of Hisham Matar's first novel, *In the Country of Men*, had himself “often, in moments great fear, recalled her example” (15). Meanwhile, at the other end of the African continent, Nelio, the street child, lay dying of a gunshot wound on a theater rooftop, and for nine nights told his story to José Antonio Maria Vaz, the baker below stairs, who brought the boy water and medicinal herbs, changed his bandages, and listened to his stories: “It was on the second night,” as José tells it in Henning Mankell's novel, *Chronicler of the Winds* (first published in Swedish in 1995),<sup>18</sup> that Nelio “began to tell his story,” even though “he didn't tell me everything straight through” (42). No, it would take just another seven nights – not Scheherazade's record one thousand and one – before Nelio would conclude his tale and pass on. But why Scheherazade in these two narratives? And why now?

What, that is, do “humanitarianism” and “human rights” have to do with the humanities? In what ways might contemporary world literature – even the tales told by two young boys, one written by a first-time novelist from Libya (Matar) and the other by an internationally reputed Swedish author of police procedurals (Mankell) – contribute to a consideration of these pressing questions in the early 21<sup>st</sup> century? In a globalizing culture, both international and national interests are at stake and challenge too the ways in which personal stories contribute to political histories. Henning Mankell's *Chronicler of the Winds* (1995/2006) and Hisham Matar's *In the Country of Men* (2006) examine the

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<sup>18</sup> Henning Mankell. *Chronicler of the Winds* (1995). Translated by Tina Nunnally. New York and London: The New Press, 2006. Hereafter cited by page number in the text.

various – even nefarious – roles that storytelling can play in the elaboration of contemporary human rights narratives. Although each work involves a child narrator, the children’s tales contribute differently to a human rights project: Nelio’s story, that is, is one of revelation, whereas Suleiman is trapped in his betrayals. When to talk? When to keep silent? *Chronicler of the Winds* is set in an “unnamed African country” (but presumably in Mozambique, where the Swedish author is resident for 6 months annually as theater director) and *In the Country of Men* takes place in Qaddafi’s vaguely dated Libya. That geo-historical specificity is critical, even necessary, to the political tales that the two works separately tell, even as the novels themselves draw together literary conventions of tale-telling and contest the legendary example set by – and still heralded as iconic – Scheherazade as heroine and champion par excellence of the proverbial power of stories.

A “country of men,” in other words, Libya in 1979, ten years after Muammar Qaddafi’s revolution seized power from the monarchy of King Idris that had ruled the former Italian colony since its grant of independence in 1951, is the setting of Hisham Matar’s novel. It was a “time of blood and tears,” recalls Suleiman, telling his tale from exile in Egypt, “in a Libya full of bruise-checked and urine-stained men, urgent with want and longing for relief.” The father of the novel’s narrator/protagonist is suspected by the regime of subversive activities, “printing leaflets criticizing the Guide and his Revolutionary Committees” (33-4), for example, or convening meetings through a “small red towel on the clothesline” of a friend and fellow agitator. Suleiman’s best friend’s father, Ustath Rashid is arrested. For Suleiman, however, “to see Ustath Rashid arrested was different. I had heard it said many times before that no one is ever beyond their reach, but to see them, to see how it can happen, how quickly, how there’s no space to argue, to say no, made my belly swim.” Suleiman, however, tattle-tale/tale-teller that he turns out to be – Scheherazade or not – tells on his own father. Falling finally for the overtures of the man at the wheel of the car accompanying “Slooma” and his mother in and about Tripoli, parked daily outside their house, “the one with the old woman’s voice [...] the one who had slapped Ustath Rashid, the one who had followed Mama and me from Martyrs’ Square,” Suleiman tells his father’s story, giving away its characters and their setting, and thereby changing, indeed compromising, the plot. It all happens

“in the country of men.” But Scheherazade: “How did she do it? How did Scheherazade keep her nerve?” (66).

Meanwhile, in another African country, Nelio, dying, is telling his nine-night story. José, his sole and solitary, one and only, listener, wants to know: “What was he doing there? Who had shot him?” For those last nights of his life, Nelio, the “boy who made himself a home inside an abandoned statue in one of the city’s plazas” (9), tells his tale – but does not answer José’s questions – a tale of his country’s conflicted history and the future it withheld. As José recalls, “It wasn’t until the year I met Nelio that the war ended. A peace agreement was signed, and the leader of the bandits came to the city and was embraced by the president.” It was those same bandits, however, who had pillaged Nelio’s village, brutalized his family, and forced him to grow up when he refused to shoot on order a young friend and killed a “bandit” instead. As Nelio relates it, “I was only a boy, but I had already killed a man.” Eventually and eventfully, Nelio found his way, with the help of Yabu Bata, the white dwarf with a suitcase in search of a path, to the city. In the city, he no less eventfully finds his way with a group of street children making their way on the streets, outside the theater in which Nelio’s last act is to be played. There are power struggles meanwhile over leadership of the group when Cosmos leaves and Nelio takes over, pranks are played with lizards in department stores, hotels, the parliament building, even the president’s own bedroom, and gender and identity questions posed when Deolinda pitches up and Nascimento abuses her. Finally, albeit fatally, the kids have prepared a play, having given themselves “permission to create another world” (206), a visionary episode for one of their own, Alberto Bomba who himself will not long survive the performance. Nor will Nelio – who is shot on stage and spends only nine more nights, on the theater’s rooftop, telling his story to José Antonio Maria Vaz. For José, the “last day of Nelio’s life was one long, drawn-out performance.” Or, in other words, those of Suleiman, “How did Scheherazade keep her nerve?”

*Chronicler of the Winds* and *In the Country of Men* pose, that is, albeit in different, but never indifferent, ways important questions for comparative literary history and its contribution to the collecting of tales told by human rights advocates – and their readers. Nelio and Suleiman, tale tellers and tattle-tales that they are, raise, in other words,

critical issues for the abiding question of just what might “humanitarianism” and “human rights” have to do with the humanities – and literature? What have become of the “flying carpets”? What havoc might still be wreaked in the wake of the flyovers of the “no-fly zones”? In speaking of the “power of Libyan fiction,” with National Public Radio interviewer, Renee Montagne, on April 28, 2011, Hisham Matar suggested, for example, that “Dictatorship by its essence is interested in one narrative, an intolerant narrative, and writers are interested in a multiplicity of narratives and conflicting empathies and what the other is thinking and feeling. And that completely unsettles,” Matar argues, “the dictatorial project.”

Nuri, the young protagonist of *Anatomy of a Disappearance*, unlike his counterpart in *In the Country of Men*, is ferociously loyal to his absent father in his rehearsal of the paternal disappearance, although he is not beyond a jealously amorous rivalry with the patriarch over the attentions of the boy’s stepmother, Mona. From the sultry sands of Agami, the Mediterranean resort town just west of Alexandria, to the chilly environment of a British public school, to the snowy alpine mountains of Switzerland and the chilling atmosphere of spies and government agents, Nuri variously vies with his father for Mona’s notice and collaborates with her in the effort to determine the whereabouts of his since disappeared father – her husband. Nuri’s narrative – indeed the “multiplicity of narratives and conflicting empathies” that seek in the “novel” (as it is subtitled) to challenge the “dictatorial project” – is not without its own historical projections and forensic retrospectives, a complicated, and still incomplete, design that includes both books and closets, their indexes and their hangings. *Anatomy of a Disappearance* is made up of secret lives and the secrets of those lives, the “allure of those who, like my father, seemed to live their lives in secret.” Nuri begins by seeking to sort out the intricacies and intrigues of his father’s clandestine – and public – biography, and perhaps his own genealogy and prognostication, in the indexes of books, a reading habit that his father’s example had once instilled in him:

Whenever Father acquired a new book on our country, he would immediately finger the index pages.

“Who are you looking for?” I once asked.

He shook his head and said, “No one.”

But later I, too, searched the index. It felt like pure imitation. It was not until I encountered my father's name – Kamal Pasha el-Alfi – that I realized what I was looking for. Kamal Pasha, those books would say, had been one of the king's closest advisers and one of the few men who could walk into the royal office without an appointment. And whenever the young monarch was in one of his anxious moods – perhaps suspecting his end to be near – it was Kamal Pasha el-Alfi who was often called to ease his fears. In these books my father was also described as an aristocrat who after the revolution moved 'gradually, but with radical effect', to the left. I read about these things before I could know what they meant (25-6).

By the narrative's end, however, exploring his father's closet in their former home, now his alone, in Zamalek, an affluent Nile-nudged district of Cairo, an older, even perhaps wiser, Nuri finds that he seems somehow along the way to have outgrown his father's wardrobe: "I tried on more of his clothes," he reports. "The tweed suit fitted, albeit stiffly. When I pushed my arms forwards I could feel the fabric stretch. Perhaps if I wear it often, I thought, it will gradually return to its original size. I found his old raincoat, the one that used to hang behind the door to the study. It, too, seemed to have shrunk, but I was able to button it all the way up. [...] I put them back. [...] He will need a raincoat when he comes back. This might still fit him. I returned it to its place" (145-6). But what size will be required to accommodate the historical and geographical dimensions of a "new Libya"?

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### ***"GADDAFI IS HISTORY!"***

In a cartoon that appeared on August 26, 2011 in the *Mail and Guardian*, the South African artist, Zapiro, drew a four-frame caricature of several stages of Libya's latest revolution and its contested and episodic, if unfinished, narrative, a historical geography that reached from the Tripoli's Green Square to Qaddafi's latest unidentified bunker, from no-fly zones to an erstwhile roadmap [Figure 2], and implicating cross-continental and inter-institutional players and partisans in the "elusive" and "perverse" events and eventualities. The first frame displayed a broad banner emblazoned with the slogan:

“Gaddafi Is History!” History indeed, as Ruth First sought to outline and as Hisham Matar endeavored to narrate. That past and present history is no less engaged even yet with the continued conflict over the country’s future. Qaddafi, that is, is both history and geography.

It was on March 12 that the Arab League appealed officially to the United Nations to establish a “no-fly” zone over Libya, and indeed, a short five days later, on March 17, the UN Security Council duly passed UN S/RES/1973 authorizing the implementation of just such a “no-fly” zone, with France, the UK and the U.S. making haste to take the initiative in launching the first flights two days later, on March 19. While the Security Council’s positive vote registered no vetoes, the determination was nonetheless not at all unanimous: 10 members were in favor, and none voted against the resolution, but there remained 5 important abstentions. Those abstaining countries, that is, were not insignificant, especially regarding the eventually changing geo-political dynamics registered most currently in the already volatile Middle East/North Africa (MENA) region and on down through the African continent, but with particular relevance as well to apparently emerging global eco-political reconfigurations. Abstaining, in other words, from a full endorsement of a “no-fly” zone over Libya were Russia, China, India, Brazil, and Germany (the latter alone among the EU recalcitrants) and only South Africa was missing from among the BRICS contingent, along with Nigeria also from the African Union. Nonetheless, as political scientist Mahmood Mamdani (Columbia and Makerere universities) has pointed out, “The UN process is notable for two reasons. First, the resolution [1973] was passed with a vote of 10 in favour and five abstaining. The abstaining governments - Russia, China, India, Brazil, Germany - represent the vast majority of humanity.” The second reason concerned the fact that “though the Security Council is central to the process of justification, it is peripheral to the process of execution.”<sup>19</sup>

The Arab League request was, however, what seemed to turn the trick at the UN Security Council, in particular in finally engaging US support for the still controversial resolution. Hillary Clinton, US Secretary of State, was most emphatic in that regard, as

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<sup>19</sup> Mahmood Mandani. “Libya: behind the politics of humanitarian intervention,” Pambazuka News 524, April 6, 2011. Available at: <http://www.pambazuka.org/category/features/72300>

she noted in an interview with the BBC: there was, according to Clinton, “a sense of urgency that was precipitated by the Arab League’s courageous stand.”<sup>20</sup> Although Clinton would seem to have made it clear at the same time that “there must be Arab leadership and Arab participation,” and further ascertained that “how that will be defined will depend in large measure on what the Security Council decides to call for,” Arab participation in the implementation of the no-fly zone was, and continues to be, partial at best. Already, just a day after the first bombing flights over Libyan targets, the Arab League had seemingly begun to retract some its initial enthusiasm for international military intervention: “Arab League Secretary General Amr Moussa [speaking to reporters on March 20 in Cairo, where the Arab League is headquartered] said that the United Nations' implementation of the no-fly zone on Libya has gone beyond what the league wanted. He told reporters in Cairo that the league wants to protect civilians, not bomb them.”<sup>21</sup> The implementation of S/RES/1973 nonetheless continued apace, with limited logistical support from Qatar, the United Arab Emirates, and several other Arab and European allies. By contrast, the African Union, Libya’s other regional/continental affiliate, was adamant in its early rejection of international intervention in regional/continental affairs, however egregious, however threatening, however perilous, the situation might appear to be to all sides – and for all concerned. In a decision, furthermore, issued on May 25, more than two months into the bombing campaign, from an “extraordinary session” of the AU Assembly on the State of Peace and Security in Africa, the AU maintained that the “Assembly is of the well-considered view that the continuation of the NATO-led military operation defeats the very purpose for which it was authorized in the first place, i.e. the protection of the civilian population, and further complicates any transition to a democratic dispensation in Libya.”<sup>22</sup> US President Barack Obama, by contrast, provided a rather lengthier narrative, in a statement made on March 18, the day before the bombs began to fall, proposing a somewhat differently escalating scenario: “Left unchecked,” opined Obama, “we have

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<sup>20</sup> <http://www.bloomberg.com/news/2011-03-16/clinton-says-arab-league-vote-for-no-fly-zone-changed-minds-1-.html>

<sup>21</sup> <http://www.voanews.com/english/news/Russia-and-China-Lead-Opposition-to-Air-Assault-on-Libya--118324124.html>

<sup>22</sup> African Union. “Decision on the Peaceful Resolution of the Libyan Crisis.” EXT/ASSEMBLY/AU/DEC/(01.2011). May 25, 2011



every reason to believe that Qaddafi would commit atrocities against his people. Many thousands could die. A humanitarian crisis would ensue. The entire region could be destabilized, endangering many of our allies and partners. The calls of the Libyan people for help would go unanswered. The democratic values that we stand for would be overrun. Moreover, the words of the international community would be rendered hollow.”<sup>23</sup>

Meanwhile, even as NATO forces continued their bombing forays over Libyan territory, other international organizations, part of the United Nations consortium to be sure, were issuing their own decrees as to the eventual fate of the current Libyan regime and its leadership, in particular Colonel Muammar Qaddafi. Would the International Criminal Court issue the arrest warrants requested by ICC Prosecutor Luis Moreno-Ocampo – and on what grounds? Where, that is, in the world is Libya anyway? And who should say? The Arab League? The African Union? The United Nations? The International Criminal Court? Would Colonel Qaddafi find himself now trapped within the regional/continental nets that he himself had for more than four decades variously cast – reaching out on occasion to Libya’s fellow Arab nations, and/or alternatively looking to his continental neighbors south of the Sahara? Even as he seemed to challenge persistently, more often than not ruthlessly, the global status quo, from the Lockerbie bombing to the renunciation of “weapons of mass destruction,” and on to Libya’s subsequent rehabilitation within the international consensus and profiting from United States/European Union opportunism for oil and arms trade, the quixotic Libyan dictator over the course of his extended rule, has flown his flying carpet across various and ever more conflicting (and competing) geopolitical terrains: the Arab world, the African continent, the Mediterranean, the international community. What has been going on with Libya anyway? Whose Libya?

### *The Arab League*

When the Arab League (or, officially, the League of Arab States) was established in March 1945, it had just six members: Egypt, Iraq, Transjordan (later Jordan), Lebanon,

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<sup>23</sup> Cited in Jeremiah Gertler, “Operation Odyssey Dawn (Libya): Background and Issues for Congress,” Congressional Research Service, March 30, 2011. Available at <http://www.crs.gov>

Saudi Arabia, and Syria. Yemen joined the association two months later, in May, bringing the initial membership to a total of seven. Currently, however, the full complement of the Arab League, which in the intervening half century had expanded to twenty-two, has been reduced and now consists of just twenty-one members, four observers, and one suspended. Libya, which had originally joined the League in 1953, two years after its national independence, was suspended on February 20, 2011, within days of the outbreak of the popular insurgency against the regime of Colonel Qaddafi and in response to the alleged violence that Qaddafi's loyalist forces were waging against the country's civilian population. Claims to represent Libya have been contested between Qaddafi's regime and the oppositional Transitional National Council (TNC) forces, with the international community, especially the United Nations, NATO, and their willing and not-so-willing supporters, aggressively—both militarily and diplomatically—endorsing the latter (TNC) with bombing raids (at first to “protect the civilian population,” but more and more aimed at a still disputed “regime change”), funding campaigns, and sporadic shuttle negotiations.

Under the appellation of “humanitarian intervention,” or “responsibility to protect” (R2P), meanwhile, the multi-pronged international and institutional response (from Libya's suspension from the Human Rights Council, ICC indictments and arrest warrants against the country's leadership, “no-fly” zones over its airspace, to attempted targeted killings)—at the apparent originating behest of the Arab League—engaged no less multi-faceted reactions from the international humanitarian “court of world opinion,” among academics and policy-makers alike, both taking sides and taking issue with the contextualization of the Libyan crisis and its regional and global significance. To summarize just a few of the claims that emanated from the raucous concatenation of opinions, particularly from the early days of the implementation of S/RES/1973, in mid-March: the byline to Bernard Kouchner's London *Guardian* opinion article “Libya: the morality of intervention,” instructed its readers that the co-founder of Médecins Sans Frontières (MSF) and, until 2010, foreign minister in Sarkozy's French government, considered that the “Libyan crisis has shown how a united Europe can be used as a force for common good.”<sup>24</sup> Anne-Marie Slaughter, Princeton professor of political science and

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<sup>24</sup> <http://www.guardian.co.uk/commentisfree/2011/mar/24/libya-morality-intervention-united-europe>

until recently a policy adviser in the ranks of Obama's Department of State, was more circumspect in describing official US enthusiasm for military action against the Libyan regime. As she wrote in a March 30 blog for the *New York Review of Books*, discussing "interests vs values" and contextualizing the debate within the unfolding events of what has come to be called the "Arab spring" with its disconcerting popularity both on the street and in the social media:

This is a much more complex definition of interests, and much more complex game - so complex that it is hardly surprising that many foreign policy advisers would rather stick to the world of great power chess. Yet here is what it meant in practice. It means that Secretary of State Hillary Clinton was probably not arguing for a No Fly Zone because the people of Libya were tugging at her heart-strings or because of a patriotic commitment to American values, but because she had just returned from a trip to Egypt during which a number of members of the Egyptian youth movement refused to meet with her because of the perception that the US had sided with Mubarak - and young people now make up to 60 percent of the population in the Middle East.<sup>25</sup>

Even Juan Cole, University of Michigan professor of Middle East politics, blogger at Informed Comment, and ardent critic of US foreign policy in the Middle East in general, nonetheless enthusiastically maintained on March 27 in an "open letter to the left on Libya," that he was "unabashedly cheering the liberation movement on, and glad that the UNSC-authorized intervention has saved them from being crushed." Cole went on to argue that, while "on the surface, the situation in Libya has pitched ethical issues of the highest importance, and has split progressives in unfortunate ways," it was nonetheless his hope that the Left would "learn to chew gum and walk at the same time. It is possible," he insisted, "to reason our way through, on a case-by-case basis, to an ethical progressive position that supports the ordinary folk in their travails in places like Libya."<sup>26</sup> Mary Kaldor, co-director of the Centre for the Study of Global Governance and professor at LSE, was even more portentous at the time than her Michigan colleague,

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<sup>25</sup> <http://www.nybooks.com/blogs/nyrblog/2011/mar/30/interests-values-obamas-libya-strategy>

<sup>26</sup> See Informed Comment: Thoughts on the Middle East, History and Religion, at [www.juancole.com](http://www.juancole.com)

proposing in dramatic terms that the “tragic events unfolding in Libya today represent a pivotal historic moment. People and rulers across the region are following, with bated breath, the news of heroism and savagery trickling out of Libya as well as the world’s reaction to them. If the world gets this wrong....”<sup>27</sup>

In the meantime, however, it would seem that the “world” was – and still is – just trying to “get it,” whether right or wrong, even while escalating both the aerial bombing (albeit descending closer to the ground with the supplement of Apache helicopters in June to complement the otherwise high fliers enforcing the “no-fly” zone over Libyan air space since March); the bombastic rhetoric that now identified along with the S/RES/1973 lofty goal of “protecting civilians” evolved into the project of removing Colonel Qaddafi, now identified as a “legitimate target,” from power altogether, if necessary through a “targeted killing.” After all, it was argued, S/RES/1973, “recognizing the importance of the League of Arab States in matters relating to the maintenance of international peace and security in the region,” had authorized “all measures necessary” to that end (of “protecting civilians”), the sole exception being the supposedly irremediable exclusion of a “foreign occupation force of any form on any part of Libyan territory.” Critiquing nonetheless the “rehabilitation of humanitarian intervention” that the Libyan crisis had seemingly provoked, Perry Anderson, in his *New Left Review* essay, “On the Concatenation of the Arab Spring,” noted that indeed “No other part of the world has enjoyed the same level of continuous hegemonic concern”<sup>28</sup> as the Arab Middle East, noting further that, most recently, “with the discrediting of Arab nationalism and socialism, and the neutering of radical confessionalism, [there was left] only a washed-out Islam as a passe-partout. In these conditions,” according to Anderson, “created by dictatorship, the vocabulary of revolt could not but concentrate on dictatorship – and its downfall – in a political discourse, and not more” (11). For Anderson, however, the question persisted: given that “anti-imperialism is the dog that has not – or not yet – barked in the part of the world where imperial power is most visible,” whether in the form of military displays or diplomatic sorties, “can this last?” (14). For Anderson at least, and writing in spring 2011, Palestine would necessarily be the “litmus test of a democratic Arab dignity” (15).

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<sup>27</sup> <http://www.opendemocracy.net/mary-kaldor/libya-war-or-humanitarian-intervention>

<sup>28</sup> Perry Anderson, “On the Concatenation in the Arab World,” *New Left Review* 68 (2011), p. 7

### *The African Union*

If the Arab League, following its initial appeal in March for international intervention into the ongoing Libyan contretemps, has since both backtracked and prevaricated – and not without warrant, as unrest persisted in Yemen (where the seriously wounded – both politically and physically – president decamped abruptly in June to Saudi Arabia for medical treatment), violence escalated in Syria (and UN sanctions were being contemplated against the Assad government), and in Bahrain (where, of all things, the F1 Grand Prix already once rescheduled for October, was further postponed under protest from race-car drivers against the regime’s continued repression of the kingdom’s pro-democracy activists) – if, that is, the Arab League was at once hesitant and adamant in its ambivalent responses to the demands of the region’s peoples, its neighbors to the south (south of the Sahara, in other words) were similarly, if for varying rationales, stumblingly stubborn in their own individual, concerted, diplomatic, and institutional responses to the conflagration unfolding on the northern coast of the continent.

Qaddafi was himself in no small part responsible for this multiply mixed reaction from his African Union compatriots. Having early on in his revolution drawn his inspiration from Nasserite pan-Arabism, opportunely championing the Palestinian cause in particular, in the latter years of the 20<sup>th</sup> century and in particular, with the dawn of the 21<sup>st</sup> century and the establishment of the African Union, the Colonel had turned his sights and ambitions (not always welcome) toward sub-Saharan Africa, particularly seeking allies and adherents as Libya endeavored to withstand the political and economic sanctions imposed on the country by the United States, Europe, and other members of the international community. If Qaddafi’s more than four-decade dictatorship in Libya is one of the longest-standing in post-independence Africa, its record-making (if inconsistent) longevity is not without significant challenge from fellow African leaders, some of whom have found their own once settled positions unbalanced perhaps by the catalytic events along the northern shores of the continent. Incumbent presidential candidate Laurent Gbagbo, in Cote d’Ivoire, for example, had finally, in April, lost his brutal months-long electoral standoff with declared winner Alassane Ouattara, albeit not without considerable – and controversial – military

intervention in his eventual unseating from United Nations and French forces; Robert Mugabe, the ruthless ruler of Zimbabwe since independence, following a protracted armed struggle, in 1980 – and despite international opprobrium and with the chary support of his erstwhile comrades, such as Thabo Mbeki and/or Jacob Zuma in South Africa, in Africa’s independence movements – remained, if awkwardly, in the seat of power; but it was Yoweri Museveni, president of Uganda since 1986, following an extended war that had eventually succeeded in deposing the infamous Idi Amin in 1979, who was perhaps most effusive in describing on the part of African leaders the complicated relationship of Colonel Qaddafi with his sub-Saharan cohort.

Even as he faced his own restive opposition in the streets of the capital city of Kampala, Museveni felt himself compelled to describe, in his own words, “The Qaddafi I Know,” for the columns of *Foreign Policy*. Writing on March 24, 2011, Museveni was not loathe to excoriate the Colonel for his misdemeanors and peccadillos – such as backing Idi Amin in the late 1970s, pushing for a United States of Africa, proclaiming himself king of kings, ignoring the plight of Southern Sudan, even for engaging in terrorism (after all, according to Museveni, stepping back momentarily from a position of Afro-Arab solidarity, “Middle Eastern radicals [are] quite different from the revolutionaries of black Africa”<sup>29</sup>). But more than berating Libya’s Qaddafi for his earlier, even continued, shortcomings, Ugandan President Museveni was determined to declaim that, according to the article’s subtitle, “the West was wrong to intervene in African affairs.” To his credit, that is, the Libyan leader was celebrated by his Ugandan counterpart for being a nationalist, for having raised the price of oil, for building Libya, and, somewhat paradoxically by March 2011, for being a “moderate.” Qaddafi’s limitations notwithstanding, and his cited strengths in his favor, the larger argument made by Museveni regarding the implementation of UNSCR 1973 was directed against Western intervention in African affairs, and here his tortuous argumentation extended to no less than eleven points: 1. excessive external involvement always brings terrible distortions; 2. what about foreign-backed insurrections in larger countries (such as China?); 3. Western countries always use double standards; 4. Western countries are similarly prone to comment duplicitously on every problem in the Third World; 5. Western countries

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<sup>29</sup> Yoweri Museveni, “The Qaddafi I Know,” *Foreign Policy*, March 24, 2011. Available at: [http://foreignpolicy.com/articles/2011/03/24/the\\_qaddafi\\_i\\_know](http://foreignpolicy.com/articles/2011/03/24/the_qaddafi_i_know)

over-use their technological superiority; 6. preferable, according to Museveni, would be mediation via the African Union with Colonel Qaddafi in order resolve his problems with the Libyan opposition; 7. the AU's earlier efforts toward just such a resolution had already been thwarted when the visit of a high-ranking African delegation was deterred, on March 20, by the West's ongoing bombing campaign; 8 and 9. if the Libyan opposition were truly "patriotic," they would fight their own war; 10. as for those African nations (South Africa and Nigeria) who had voted for UNSCR 1973, they had done so against the express deliberations of the AU's Africa Peace and Security Council, undertaken in Addis Ababa on March 23, 2011. Finally, President Museveni called for a review of the entire process, noting, rather high-handedly at that point perhaps, that "it is high time we (sic) did more careful thinking."

Just over a week prior to the Ugandan president's delivering himself of these admonitions to Western opinion consumers and presumed policy-makers, however, Kenyan Nobel Peace Laureate and environmental activist, Wangari Maathai had raised the very question of "where is the voice of the African Union?" Writing for the South Asian *Deccan Herald* on March 15, Maathai noted that, although "US president Barack Obama did include the AU in a list of partners for finding a solution [to the Libya situation]," she worried nonetheless that "by and large, the voice of the AU has been faint and largely ignored by the international media."<sup>30</sup> Was the problem that of the African Union and its "faint" voice? Or, alternatively, was it the international policy establishments and their media spokespeople who took such slight notice of the AU and its multiple organs in considering the options for responding to the crisis on the northern coast of the African continent? According to Maathai – signaling once again the dubious economic thralldom in which Qaddafi might be said to hold his southern neighbors, "One problem the AU faces, along with many African nations, is that it is not financially independent. It must seek funds from the EU, the U.S. and others, including some of the wealthier member states despite their records on undemocratic governance and human rights violations. Libya, for example," Maathai went on, "is said to provide at least 15 per cent of the AU's overall budget. In 2009, Libya's now-embattled, Muammar Gadhafi, was elected to a one-year term as chairperson of the AU."

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<sup>30</sup> Wangari Maathai. "Where is the voice of the African Union?" *Deccan Herald*, March 15, 2011. Available at: <http://greenbeltmovement.org/a.php?id=515&t=p>

A critically important political and humanitarian consequence of the 2002 transformation of the Organization of African Unity (OAU) into the African Union (AU) was the new organization's reformulation of the continent's policy regarding respect for the national sovereignty of its member states and regulations restricting intervention into each other's affairs. Whereas the OAU, established in 1963, had been adamant in its investment in protecting the territorial boundaries (paradoxically the very same borders that had been drawn by European powers scrambling over Africa at the Berlin Conference in 1884-85) of the newly decolonized states, the Constitutive Act defining the AU's principles, asserted inter alia the "right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." While much celebrated by students of African politics and advocates of humanitarian history, this new direction toward a shared responsibility among African nations for African integrity and African human rights was also viewed skeptically by many of the same readers. The Nigerian jurist, Nsongurua J. Udombana, for example, worried already in 2002, over the Kiplingesque question: "Can the Leopard Change His Spots?" in an article subtitled, "The African Union Treaty and Human Rights," and beginning wryly with the observation that "African 'rulers' are at it again. They have presented Africans with a freshly baked cake. It is teasing and tempting, though one cannot," continues Udombana, "at the moment determine if it is nutritious." Udombana finds the very ingredients suspicious, at least insofar as civil society representatives were not involved "in the baking."<sup>31</sup> The Nigerian critical reader is concerned not least that the "the spoils of office and the allurements of high life largely account for the sit-tight syndromes in the continent and the resultant civil conflicts" (1197). recalling instances in which, "like Nero's Rome, African leaders fiddled while the edifice called 'Africa' was engulfed in conflagrations," instances such as Burundi in 1972 and 1973, the Sudanese Civil War, Idi Amin's atrocities in Uganda, Bokassa in the ex-Central African Republic, Mobutu Sese Seko's Zaire, Nguema in Equatorial Guinea - and so on (1211). Even, the AU skeptic goes on, "in the cases where the OAU intervened, such as the 'Congo Crisis' (1964-65), the Nigerian Civil War (1967-70), the Angolan Civil War (1975-76), and the Chadian Civil War (1965-78), the presence

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<sup>31</sup> Nsongurua J. Udombana. "Can the Leopard Change Its Spots? The African Union Treaty and Human Rights," *American University International Law Review* 17 (2002), p. 1178.



of a threat of foreign intervention and consequent regional instability have been of more direct concern to the OAU than human rights concerns” (1213).

Meanwhile, on June 13, U.S. Secretary of State Hillary Clinton, as part of a three-nation (Zambia, Tanzania, Ethiopia) Africa tour, addressed the African Union in Addis Ababa, urging that the members cease their support for Colonel Qaddafi’s intransigence and join in Western coalition efforts to oust the Libyan leader, an appeal that was, it seems, but tepidly received by the African organization’s official audience. Meanwhile too, the International Criminal Court was still considering whether to issue the arrest warrants that had been requested by ICC Prosecutor Luis Moreno-Ocampo for Muammar Qaddafi and two associates, following the delivery, on June 1, 2011, to the UN Human Rights Council of the “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya.” How would, in other words, the “right [and responsibility?] of the [African] Union to intervene in domestic affairs in cases of ‘war crimes, genocide and crimes against humanity’” also be necessarily enlisted?

### *The International Criminal Court (ICC)*

According to UCLA law professor, David Kaye, the ICC Prosecutor’s “warrants represent a high-risk move by Moreno-Ocampo. A positive ending to the story – the arrest of one or more of these perpetrators and their transfer to The Hague – would make the public perceive the ICC as a real player. But a bad outcome – no arrest, continued atrocities, a safe haven or something else for the Libya three – could further ingrain in the international community an image of the court as more of a tool than a valuable end in itself.”<sup>32</sup>

While Libya’s briefly rehabilitated international position and institutional status in the early years of the new century, both within the African Union and on various organizational United Nations bodies – including the Human Rights Council, the General Assembly, and the Security Council – plummeted precipitously in the weeks of late February and early March of 2011, with its suspension from membership in the HRC (A/RES/65/265) on March 1 to S/RES/1973 on March 17, authorizing the “no-fly” zone

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<sup>32</sup> David Kaye. “Wanted: Qaddafi & Co: Can the ICC Arrest the Libya Three?” *Foreign Affairs*, May 19, 2011. Available at: <http://www.foreignaffairs.com/print/67789>

and “all necessary measures” to protect civilians in the country, it is the referral by the Security Council of the “situation in the Libyan Arab Jamahiriya since 15 February 2011” (S/RES/1970) on February 26, 2011 to the ICC for investigation that remains outstanding still, culminating as it finally did in the three warrants issued on 27 June 2011 for the arrest of Muammar Gaddafi, his son Saif Al-Islam, and his brother-in-law and head of internal Abdulla Al-Senussi.<sup>33</sup>

To be sure, the question of membership criteria and qualifications had been critical – and controversial – in the discussions that eventually prepared the creation of the UN Human Rights Council as a replacement for the UN Commission on Human Rights in 2006. Already, in 2005, Philip Alston had argued vehemently during the deliberations relative to the impending transition on behalf the imperative of “promoting the accountability of members of the new UN Human Rights Council,” maintaining that the “concept of accountability provides the overarching rationale for the establishment of an international human rights regime,”<sup>34</sup> and recommending the “adoption of a human rights accountability index [HRAI]” (51), an index that would attempt to “capture a complex reality and to reduce it to a form which provides a readily understandable measure of performance across a range of activities” (70). According to Alston, such an “index” would presumably serve to “provide an overall sense of the performance of governments and other actors in relation to specific rights issues [since] a dominant focus on individual cases is not only time-consuming and backward looking but does not enable them to provide the overall picture that is needed” (78). In tracing the historical genealogy of human rights at the United Nations, in particular in the move from the Commission on Human Rights to the Human Rights Council, Paul Gordon Lauren was no less concerned with the question of membership and the qualifications for sitting in judgment of fellow human rights violators. Was the new Human Rights Council, in other words, to be a “protector of the victims or a shield for the violators?” asked Lauren.<sup>35</sup>

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<sup>33</sup> International Criminal Court. Case No. ICC-01/11-01/11 Available at <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/icc0111/related%20cases/icc01110111/>

<sup>34</sup> Philip Alston. “Richard Lillich Memorial Lecture: Promoting the Accountability of Members of the New UN Human Rights Council,” *Journal of Transnational Law and Policy* 15, 1 (2005), p. 50.

<sup>35</sup> Paul Gordon Lauren, “To Preserve and Build on its Achievements and to Redress its Shortcomings’: The Journey from the Commission on Human Rights to the Human Rights Council,” *Human Rights Quarterly* 29 (2007), p. 334.

The establishment of the International Criminal Court (ICC) has been perhaps even more controversial than the membership roster of the Human Rights Council, from even before its founding with the signing by the requisite quota of nation-states of the Rome Statute in 1998. Since coming into being on July 1, 2002, however, the ICC – whose jurisdiction is limited to those cases of individuals charged with crimes against humanity, genocide, and/or war crimes, and in which the accused is a national in a state that is party to the Statute, or where the alleged crime occurred within the territory of such a state, or the situation is referred to the Court by the UN Security Council – as is the, till now unprecedented, case with regard to the “situation in Libya since 15 February 2011.” To date, however, the ICC’s record of investigations and prosecutions raises again Lauren’s query regarding the Human Rights Council’s agenda and its implementation – as a “protector of victims or a shield for the violators”? Although inquiries are pending elsewhere (Colombia and North Korea, for example), all six ongoing prosecutions and/or investigations – in the Democratic Republic of the Congo, Uganda, the Central African Republic, Darfur (Sudan), Kenya, and now Libya – derive from Africa alone. Kamari Clarke, legal anthropologist, has, for example, argued that the “African focus of the ICC is far from incidental,”<sup>36</sup> suggesting instead that the “ICC’s emphasis on *command responsibility* through conceptions of ‘justice’ overlooks two important features of conflict in Africa: 1) colonial history and its continuing postcolonial effects; 2) the geo-political implications of widespread resource competition and the resultant interest of more powerful nation-states,”<sup>37</sup> leading perhaps to what David Kaye has noted as the ICC’s apparent “lack of legitimacy among some African leaders.”<sup>38</sup>

“Further investigation...” was the wording that provides the almost lyrical refrain or leitmotif that underscores the provocative orchestration of the “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahirya,” submitted to the UN Human Rights Council on June 1, 2011. Acting on instructions from and pursuant to HRC resolution S-15/1 of 25 February, with direct consequences for UNSCR 1970’s referral of the

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<sup>36</sup> Kamari Clarke, “Rethinking Africa through its Exclusions: The Politics of Naming Criminal Responsibility,” *Anthropological Quarterly*, 83, 3 (2010), p. 631.

<sup>37</sup> Ibid, p. 628 (emphasis in original).

<sup>38</sup> David Kaye, op cit, *Foreign Affairs* (2011).

“situation in Libya” to the ICC, the three-member commission, led by eminent international jurist M. Cherif Bassiouni (Egypt), and assisted by Asma Khader (Jordan) and Philippe Kirsch (Canada), conducted inquiries in Geneva, Libya, Egypt and Tunisia, gathering over a period of several months both first-hand information from eye-witnesses and government and opposition spokespersons, as well as consulting with NGOs and representatives of relevant UN agencies. While the specific time-frame designated for offenses to be documented dates from February 15, 2011, the Commission nonetheless interpreted its mandate as including “violations before, during and after the demonstrations witnessed in a number of cities in Libya in February 2011.”<sup>39</sup> Noting furthermore the relatively short time frame in which it was obliged to conduct its investigations, as well as the restraints imposed by the continuing conflict in Libya, the Commission nevertheless presented its 92-page report as, at the very least, “illustrative of the main patterns of violation” (para 5), infractions and abuses committed by both parties to the conflict, as well as with brief reference to NATO’s use of force in its implementation of UNSCR 1973 and the imposition of the “no-fly” zone over Libya territory for the “protection of civilians.” In other words, “given all these circumstances, the Commission is of the view that more time is necessary to carry out *further investigation* within Libya for a comprehensive inquiry, followed by appropriate time for analysis and the writing of additional reports” (para 12, emphasis added).

Following a brief background on Libya’s geo-political and historical context, including the rather singular governmental apparatus ruling the country under Colonel Qaddafi (noting, for example, the neologism of “jamahariya,” or “rule of the masses,” to describe the regime, as opposed to more usual Arabic “jumhuriya,” or “republic”) the Commissioners divide their account of violations under both international human rights law and international humanitarian law (and eventually including international criminal law as well), into two “phases”: phase 1, or the “demonstration phase,” and phase 2, describing the period of armed conflict which had erupted by late February. Under each of the eleven categories of violations examined, the Commission found that, despite the persistent imperative of the need for yet “further investigation,” serious infringements

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<sup>39</sup> HRC. “Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahariya,” Advanced Unedited Version, A/HRC/17/44, June 1, 2011, para. 4.

of both international human rights and international humanitarian law had been committed, with the preponderance of violations on the part of the Qaddafi's government forces. Those categories included: excessive use of force against demonstrators; arbitrary detention and enforced disappearances; torture and other forms of ill-treatment; denial of access to medical treatment; freedom of expression; attacks on civilians, civilian objects, protected persons and objects; prohibited weapons; use of mercenaries; migrant workers; sexual violence; and the exploitation of children in armed conflict. Regarding NATO's "use of force," the Commission concluded (unsurprisingly?) that it had "not seen evidence to suggest that civilian areas have been intentionally targeted by NATO forces, nor that it has engaged in indiscriminate attacks on civilians" (para 235). Even while describing the conflict in Libya as "*sui generis*" (para 242), and admitting that it is "not in a position of identifying individual criminal responsibility or command responsibility for international humanitarian law violations as well [as] other potential violations of international criminal law" (para 255), the Commission nonetheless recommended to the Human Rights Council the following:

In view of the time frame within which it had to complete its work and considering the gravity and the complexity of the situation, the Commission considers it important that the Council remains seized about the situation through an extension of its mandate or the establishment of a succeeding mechanism with the ability to continue the necessary investigations into both the human rights and humanitarian law situations in the country for a one year period (para 271).

Already, two weeks earlier, however, on May 16, 2011, ICC Prosecutor Luis Moreno-Ocampo had requested arrest warrants for crimes against humanity for Colonel Muammar Qaddafi, his son, Saif al-Islam Qaddafi, and Libyan chief of intelligence, Abdullah al-Sanussi. Should Libya's membership in the UN Human Rights Council, indeed in the African Union, have been suspended? Should the ICC have issued arrest warrants for Qaddafi, his son, and his chief of intelligence? The ICC did indeed do just that when, on June 26, arrest warrants were issued for the three men.

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Ruth First's *Libya: The Elusive Revolution* was researched, written, and published in the early 1970s, when her native South Africa still suffered under an implacable apartheid regime and the Portuguese colonies of Mozambique (where she would die, assassinated by a letter bomb sent from Pretoria), Angola, and Guinea Bissau continued to struggle against the last European imperial power in Africa; Hisham Matar's novels, detailing another, later, version of Libya's "elusive" revolution/s, are poised instead on the terribly edgy verge of yet another transition, riddled by the contention over the disputed neo-imperial exercise of the codes of humanitarian intervention, in the name of a "responsibility to protect.". If Qaddafi is indeed "history," then that history not, in other words, without its ongoing geopolitical narrative of consequence – and consequences, unintended or otherwise.