



Rebel Governance in the Middle East

Edited by
Ibrahim Fraihat
Abdalhadi Alijla

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Preface

The revolutions that swept several Arab countries in 2011 did not lead to a peaceful transfer of power and the building of stable states. The authoritarian regimes that ruled these countries for decades did not fall, but instead the revolutions led to states torn between rebels against authorities, non-state actors, and the remnants of regimes that retained part of the lands they previously ruled. With the failure of the zero-sum equation and the inability of one party to finish the other, the transitional phase turned into a permanent state, and a new model was born. It is the formation of multiple inhabited territories that are separated from the central state, governed by non-state actors, and in which governing systems are established that concern not only security, but also civil aspects such as education, water and electricity services, employment, and others. This model can be seen in many countries, such as the Houthis in Yemen, Idlib in Syria, Benghazi in Libya, the Popular Mobilization Forces (*Hashd*) in Iraq, Hezbollah in Lebanon, Hamas in Gaza, the Taliban in Afghanistan (before the US withdrawal), and others. The phenomenon of rebel governance in the Middle East and its transformation into a permanent state made it necessary to study their systems

of government and how these groups manage the populations they rule. Hence the idea of this book, which studies in depth the rule of the rebels in several case studies in the Middle East, North Africa, and Afghanistan, in an attempt to understand their broader mechanism of governance and ability to govern and manage their territories.

For this purpose, a number of academics specialised in Middle Eastern studies, political science, security, legal, and conflict studies came together to study twelve case studies that extended from Libya to Afghanistan. This research project, which spanned a few years, included reviewing the literature on rebel governance, conducting field studies, and the linking of theoretical frameworks to multiple case studies in an attempt to contribute to the production of new knowledge about rebels in conflict areas such as the broader Middle East.

The outline of the book includes eleven chapters outlined as follows:

Chapter “[Introduction](#)” examines the notion of rebel governance, what constitutes rebel and why, if any, rebels need to engage in governance building. At the core of this chapter’s argument is the discussion of the context of rebel governance in the Middle East and North Africa region (MENA) and what makes it different from the standard definition as presented in the scholarly literature. By engaging with the findings of other chapters in the book, this section highlights the contribution this book makes to the scholarly literature and to our understanding of rebel governance as a concept and its applicability to the Middle East context.

Chapter “[Rebel Statehood: Wartime Rebel Governance and the Sub-National Identity in Syria](#)” examines the link between rebel governance during war and civilian identity. Taking Syria as a case study, this chapter explores why and how the experiences of Syrians during wartime influences their affinity for sub-national identities. Wartime identity is therefore a result of rebel governance and experiences under the rebels’ control.

Chapter “[The State in Idlib: Hay’at Tahrir al-Sham and Complexity Amid the Syrian Civil War](#)” focuses on the state in Idlib, Syria, and how the development of rebel groups during civil war highlights the blurred nature of the distinction between state and non-state actors. Hay’at Tahrir al-Sham (HTS) has consolidated its control over areas it

manages, building links with local communities, and taking on functions traditionally reserved for a state.

Chapter “[The Propagandistic Use of Rebel Governance: The Case of the Islamic State in Syria and Iraq](#)” highlights the propagandistic use of rebel governance by taking the case of the Islamic State in Syria and Iraq. Indeed, the Islamic State created a “rebelocracy” for three reasons: funding, ideology, and legitimation. The totalitarian and violent ideology of the Islamic State caused a lack of external funding. The image of functioning governance in the ISIS territories, however, showed local populations and foreign citizens the ability of ISIS to rule its territories.

Chapter “[Competitive Rebel Governance in Syria](#)” takes a different angle by examining competitive relationships among rebel groups building governance in Syria. It explains how non-violent strategies have been used when groups try to gain legitimacy and support from domestic constituencies. Ahrar al-Sham and Jabhat al-Nusra, two of the most important militant Islamist groups in Syria, put forward different models of governance that led to recurring conflicts without erupting into violence.

Chapter “[Hezbollah’s Relation with Iran: The Proxy-Ally Debate and Wilayat al-Faqih’s Impact on Hezbollah’s Nature, Governance, and Legitimacy](#)” discusses the relationship between rebel groups and their sponsors. Since its establishment, there have been questions regarding the nature of Hezbollah’s ties with Iran. The chapter examines the ideological-religious component of Hezbollah-Iran ties. It inspects this relationship’s impact on Hezbollah’s nature, behaviour, actions, governance, power, and legitimacy, as well as its relations with the Lebanese State.

Chapter “[Ruling Without Responsibility: Badr Organisation, Asa’ib Ahl al-Haq, and Kata’ib Hezbollah After Defeating ISIS in Iraq](#)” explains how rebel groups can be part of the ruling system without having to carry the burden of governance. Post-2003 Iraq has witnessed the rise of several armed groups that contested the state’s capability to monopolise violence. The Popular Mobilisation Forces (PMF) not only remain outside the control of the state but represent a parallel government. The PMF also utilises electoral gains for its myopic and narrow interest instead of serving its electorate.

Chapter “[Rebel Governance Between Ideology and Pragmatism: Al-Qaʿida in Yemen in 2011–2012 and in 2015–2016](#)” tests the concept of rebel governance between ideology and pragmatism. It takes al-Qaʿida in the Arabian Peninsula (AQAP), which governed Yemen in 2011–2012 and 2015–2016, as a case study. The chapter focuses on key dimensions of governance, including understanding civilians and their attitudes towards pre-existing institutions.

Chapter “[Libya After Qaddafi: Are Tribes Always Rebels?](#)” discusses one of the key features of Middle East rebel governance by addressing the relationship between rebels and tribes in Libya. In Libya since 2011, tribes and rebel groups have emerged as influential domestic actors. However, the relationships between these actors have been different across the country. Variation can be conditioned by factors of communal cohesiveness, geographic location, and power of political actors.

Chapter “[Not Rebel Governance? Hamas’s Rule](#)” sheds light on Hamas governance in Gaza, as it represents a different model from that of other non-state actors in the region. Since its foundation, Hamas has made prodigious strides, overcome many challenges, and left a lasting effect on the Palestinian political system. Difficulties of providing clear answers to many of these questions lie in the multiplicity of internal and external factors that influence Hamas’s political and ideological outlook. The chapter argues that Hamas’s engagement in governance is not necessarily a sign of flexibility and moderation, just as the expansion of its military capabilities is not necessarily an indication of extremism. “Extreme” (or “moderate”) behaviour is given meaning by the extent to which it serves Hamas’ consolidation of power.

Chapter “[Competing to Govern: Opportunities and Regime Responsiveness to Civilian Protests During the Taliban Insurgency in Afghanistan](#)” reads the conflict in Afghanistan as a competition to govern, rather than a conflict between state building and state failure. The Islamic Republic (2002–2021), despite its comparatively liberal and open public life, created a government accountable to international donors and elite stakeholders as much as to their constituencies. The end of the conflict thus spells a new chapter for Afghan protest movements: less fragmented, more nationally connected, and addressing a less insulated government.

Chapter “[Prosecuting Rebels in International Criminal Justice](#)” delves into the question of whether rebel groups can be prosecuted for international crimes. The case studies of ISIS in Syria and Hezbollah in Lebanon highlight the interaction of international criminal justice and associated courts with “rebels” and “rebel groups.” This chapter serves to identify rebels as a key category of individuals who are prosecuted at international criminal courts and tribunals.

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Introduction

Ibrahim Fraihat and Abdalhadi Alijla 

What is rebel governance? Who is a “rebel?” Why is rebel governance understudied in the Middle East and North Africa (MENA) region? How is the relationship between state and rebels defined, and who makes that definition? What is the relationship between rebels and local communities in MENA? All of these questions need answers and explanations, particularly when studying the MENA region.

Rebel governance remains an understudied subject within the literature of conflict and civil wars, despite the fact that the last decade has witnessed a new wave of scholars who focus on the question of rebel governance—an issue that is becoming only more prevalent in

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MENA.¹ In the MENA region, few studies on rebel governance have emerged in the last five years, including those by contributors to this book. In addition, different terminology has been used in the literature that aims to describe best those who go against established systems, structures, and governments. Are they rebels, revolutionaries, insurgents, combatants, or simply non-state actors? Some contexts even generate their own terminology to align with their goals, beliefs, and messages; for instance, Afghans used the term “mujahideen” to describe those who fought against the Soviet Union’s invasion of their country in 1989.

Cunningham and Loyle define rebel groups as “nonstate actors in conflict with an established and recognized state either over control of the state or for greater control within some portion of the state’s territory.”² Generally, the term “rebels” could carry a negative connotation. Such negative bias can be explained in two ways. First, rebels are usually a minority who choose to fight a state authority or otherwise established systems and structures. The assumption here is that authorities represent the majority. Second, rebels, as some definitions suggest, engage in at least initial acts of violence.

As we know, established authorities do not always reflect the will of the majority of the people they rule. In addition, even democratically elected governments cause injustices, of the type that cause others to rebel against it. Furthermore, rebel groups are not all of the same types; they differ, sometimes significantly, depending on their causes, objectives, and the means they use to fight systems and challenge authorities. As Shannon Maree Torrens explains later in this book, rebel groups and leaders can be both victims and perpetrators depending on the forum and context.

Further, not all rebel groups engage in governance.³ Huang, for example, finds in her study that only 13% of rebel organisations establish

¹ Ana Arjona, Nelson Kasfir, and Zachariah Cherian Mampilly, eds. *Rebel Governance in Civil War* (New York: Cambridge University Press, 2015); Zachariah Mampilly, *Rebel Rulers* (New York: Cornell University Press, 2011).

² Kathleen Gallagher Cunningham and Cianne E. Loyle, “Introduction to the Special Feature on Dynamic Processes of Rebel Governance,” *Journal of Conflict Resolution* 65, no. 1 (2021): 3.

³ *Ibid.*, 3.

complex administrative structures.⁴ They can engage in different types of civilian organisations, depending again on the context and state of conflict and rebellions. In terms of social services, Huang explains that about one-third of rebel groups establish different forms of social institutions, such as schools and health care facilities during times of conflict.⁵ Providing services to the general public, however, is one of the defining factors of rebel governance, and rebels who provide services tend to rely⁶ on pre-existing institutional infrastructure and institutional mechanisms.

What is rebel governance? Arjona, Kasfir, and Mampilly define rebel governance as “the set of actions insurgents engage in to regulate the social, political, and economic life of non-combatants during war.”⁷ Kasfir lists three conditions for an insurgent group to be considered engaging in rebel governance: it must hold some territory within the state against which it is rebelling; civilians must reside in this territory; and the group must commit an initial act of violence.⁸ Though rebel governance generally includes areas like taxation, administration, civil service, and justice, security remains the primary governance function that rebels tend to establish.⁹ Once these conditions are met, the group then engages in building structures in different areas of security, economics, and administration, thereby establishing rebel governance. Although rebels engage in different sectors, they focus primarily on security, especially in the beginning of their rule. They try to negotiate and define their legitimacy with the local actors, tribes, other groups, or rebels.

Do rebels need to engage in building governance? The relationship between rebels and governance is highly contested. For some scholars,

⁴ Reyko Huang, *The Wartime Origins of Democratization: Civil War, Rebel Governance, and Political Regimes* (Cambridge: Cambridge University Press, 2016): 71–72.

⁵ Ibid.

⁶ Abdalhadi Aljila, “‘We Are in a Battle with the Virus’: Hamas, Hezbollah, and Covid-19,” *Middle East Law and Governance* (2021): 1–13. <https://doi.org/10.1163/18763375-14010001>.

⁷ Ana Arjona, Nelson Kasfir, and Zachariah Cheria Mampilly, eds., *Rebel Governance in Civil War* (New York: Cambridge University Press, 2015): 3.

⁸ Ibid.

⁹ Mampilly; Benedetta Berti, “Violent and Criminal Non-State Actors,” in *The Oxford Handbook of Governance and Limited Statehood*, eds. Anke Draude, Tanja A. Börzel, and Thomas Risse (New York: Oxford University Press, 2018): 272–292; Ana Arjona, “Wartime Institutions: A Research Agenda,” *Journal of Conflict Resolution* 58, no. 8 (2014): 1360–1389.

governance represents a key burden on rebels, as they will need to divert significant resources, specifically from their fighting capabilities, to rule civilians.¹⁰ Stewart argues that “[g]overnance *weakens* rebels’ organizational capacity, sometimes to their extreme peril.”¹¹ Furthermore, rebels are generally focused on security (governance) and state contestation and thus are less focused on other aspects of governance, such as the provision of healthcare, education, and general administration. As Alijla points out, Hamas is perceived as a security provider when a national representative sample of the population was asked about its function.¹² Unless run efficiently with fairness and transparency, rebel governance may backfire, and civilians could turn against their rebel rulers.

However, existing research argues that rebels need to engage in governance, as it helps them gain legitimacy by serving their constituents. This legitimacy gives them access to significant resources and recruits among civilian populations.¹³ Weinstein explains that “[c]ivilians are thought to be central players in insurgency: access to food, shelter, labor, and information depends on their compliance. For this reason, rebel groups often build governing structures that mobilize political support from noncombatants and enable the extraction of key resources.”¹⁴ Lidow takes this argument a step further by positing that rebels need governance in their territories, especially in terms of security, which provides them with reliable access to food, military intelligence, and new recruits, and facilitates humanitarian aid operations.¹⁵ By the same token, Kalyvas emphasises the role of protecting civilians from violence (through governance) as a

¹⁰ Karen Elizabeth Albert, “Institutions of the Weak: Rebel Institutions and the Prospects of Peace After Civil War” (PhD diss., University of Rochester, 2020).

¹¹ Megan A. Stewart, “Rebel Governance: Military Boon or Military Bust? (Isard Award Article),” *Conflict Management and Peace Science* 37, no. 1 (2019): 17.

¹² Abdalhadi Alijla, “The (Semi) State’s Fragility: Hamas, Clannism, and Legitimacy,” *Social Sciences* 10, no. 11 (2021): 437; Abdalhadi Alijla, “Hamas, Service Provision and Identity in Gaza 2020. V.1.” Orient-Institut Beirut (OIB), 2020.

¹³ Isabelle Duyvesteyn et al., “Reconsidering Rebel Governance,” in *African Frontiers: Insurgency, Governance and Peacebuilding in Postcolonial States*, eds. John Idriss Lahai and Tanya Lyons (New York: Ashgate Publishing, 2016): 31–40.

¹⁴ Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2006): 163.

¹⁵ Nicholai Hart Lidow, *Violent Order: Understanding Rebel Governance Through Liberia’s Civil War* (Cambridge: Cambridge University Press, 2016).

key factor for rebels to protect to secure collaborations from civilians in their territories.¹⁶

Though rebels in general seem to want to build governance for the above-mentioned benefits, not all of them are in fact capable of doing so. They engage in governance mainly when they have a “sufficient degree of organizational sophistication and capacity.”¹⁷ Certain areas of governance, such as holding elections, implementing judicial processes, and conducting international diplomacy, require specific capabilities in military, security, and other sophisticated governance activities.¹⁸

Moreover, rebel governance cannot be understood solely by looking at domestic factors such as resources, recruits, and the management of civilian affairs. Rebel governance in many cases is closely linked to external factors and third-party intervention. However, the relationship with external players can take different forms. Foreign support, especially financial sponsorship, gives rebels privileges to reduce their dependence on locals and hence may result in the reduction of civil services delivered to local civilians. However, it can go the other way, as financial resources may also enable rebels to deliver welfare services and achieve sustained internal legitimacy and additional recruits.¹⁹

Rebel Governance in the Middle East Context

The Middle East enjoyed relative political stability on the domestic levels during the past half century, especially with authoritarian regimes ruling with an iron fist in many countries. This arrangement left a narrow margin for rebellions against central governments, and thus the phenomenon itself remained limited. However, this arrangement fundamentally changed with the advent of the Arab Spring in 2010 when

¹⁶ Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

¹⁷ Reyko Huang and Patricia L. Sullivan, “Arms for Education? External Support and Rebel Social Services,” *Journal of Peace Research* 58, no. 4 (September 2020): 794–808.

¹⁸ Kathleen Gallagher Cunningham, Reyko Huang, and Katherine M. Sawyer, “Voting for Militants: Rebel Elections in Civil War,” *Journal of Conflict Resolution* 65, no. 1 (2021): 81–107.

¹⁹ Huang and Sullivan.

uprisings spread from Tunisia to the rest of the region. These wide-ranging protest movements left the door wide open for various groups to defy state systems and even to seize territories in a way that threatened the disintegration of some states.

It is true that rebel governance, as defined earlier, does apply to a number of places in the MENA region and beyond, where rebels seized certain territories within the state, engaged in violence, and built their own organisational structures. This can be seen in, but is not limited to, Syria, Iraq, Libya, and Yemen. Civil wars in these countries produced different types of rebel orientations, agendas, and deviated from non-violent mass movements that characterised the Arab Spring in the beginning.

Immediately following the collapse of the Qaddafi regime, Libya became divided among dozens of different rebel groups in Tripoli in the West, Benghazi in the East, and Sabha in the South (Fraihat, 2016). In particular, the oil-rich area in the North witnessed brutal fighting among various rebel groups who needed funding as civil war that broke out in 2014. Furthermore, dozens of rebel groups seized different parts of Syria, among them the Islamic State in Syria and Sham (ISIS) that built a sophisticated governance system based in Raqqa in Syria and Mosul in Iraq. In addition, the Houthis rebelled against the central government in Sanaa in September 2014, taking control of state institutions and splitting the country into their State in the North and the state of the former government in the South. In Sanaa, the capital, they imposed their own governance system.

However, rebels and governance in many cases in the Middle East cannot be understood by the same definitions provided in the literature, mentioned earlier in this introduction. The Middle East has its own context which distinguishes its actors from those described by traditional definitions of rebel movements, their objectives, mandates, visions, and structures. The concept of “non-state actors” is more suited to defining certain actors working against authorities of different types, whether states, governments, or other external forces. Non-state actors in the MENA region have several characteristics and determinants that define them as a mixture of rebels, social movements, political parties, or terrorist organisations. In other words, they may act as the Greek hybrid

monster Chimera.²⁰ Similarly, many non-state actors behave in similar way; their actions and positions can come from them being social movements, militias, states, or non-governmental organisations (NGOs). As he argues in his chapter in this book, Basem Ezbidi explains how Hamas in Gaza does not fall under this definition of “rebels.” This is partly because the nature of the Palestinian-Israeli conflict is distinct, as it is rooted in a repressive colonial order whose roots extend back beyond the 1948 Nakba. Thus, this is not a case in which a group, probably driven by resources, rebels against its own government, seizes a piece of land, and builds a governance structure on it. Rather, there are dozens of other Palestinian political parties, not only Hamas, that are also fighting a foreign military power, described by international human rights organisations (including Human Rights Watch and Amnesty International), as an “apartheid”²¹ regime.

By the same token, Ali Bakir makes the argument that Lebanon’s Hezbollah is a group that pledges loyalty to a foreign government, Iran, and is linked to it more than to its own Lebanese government. Unlike traditional rebel definitions fighting their own governments, Hezbollah is part of the national government, with elected members officially representing the group in the parliament and the cabinet. It is therefore not a group rebelling against its own government by building governance within civilian areas outside the control of the state. Nonetheless, Hezbollah has a complex institutional infrastructure that provides education, health services, security, and other services in their regions under their control in Lebanon and other countries in the MENA region.

Furthermore, little has been written on tribal-rebel relations as it is the case in the Middle East, a region in which tribal structures are of great political importance.²² In an effort to fill this gap, Raed Ahmed

²⁰ Chimera in Greek mythology was a hybrid creature that breathed fire and was composed of different animal parts. It contains parts of a lion, a goat, and a snake.

²¹ Amnesty International, “Israel’s Apartheid against Palestinians: A Cruel System of Domination and a Crime against Humanity,” 1 February 2022, <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system-of-domination-and-a-crime-against-humanity/>; Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” 27 April 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

²² Alijla, “The (Semi) State’s Fragility,” 437.

investigates in this volume when, and why different forms of interaction between the rebels and tribes emerge, considering different factors and circumstances. Tribes have played a key role in the security, or lack thereof, in several Arab countries, such as Yemen and Libya, and even in semi-statehood in Gaza, while rebels and governments alike reached out to different tribes to win the struggle against others.

It should also be mentioned that, although rebels are usually driven by the eagerness to control land and populations, as described in the literature, others as in the Middle East are driven by ideology and religious fanaticism. Such religious fervour can be seen in the names given to these groups, like Ansar Allah (Champions of God) and Hezbollah (Party of God) that carry religious meaning that should, in their view, describe their ideology, the causes of their rebellion, and also help legitimise their struggle against established authorities. In this volume, we discuss governance cases in which the rebels' ideology is the primary driver of movements like ISIS, the Taliban, Hezbollah, and others. In most cases in this volume, and generally in the MENA region, rebels and non-state actors are ideologically driven. Non-state actors who have not adopted an ideology have faced difficulty, as shown by the failure of dozens of Syrian rebels.

To understand rebel governance in the Middle Eastern context, this volume includes several recent cases in which movements rebel for different reasons, building their own structures and using various means of operations in the countries where they exist. In so doing, the book covers cases from Syria to Yemen, to Afghanistan, among others. Primary data gathered from the field was used to support the analysis of rebel governance of different cases.

With a thorough analysis of all these cases, this book makes significant contributions to the study of rebel governance in the context of civil war in the Middle East and North Africa. First, the book sheds light on the debated scholarly relationship between ideology and rebel governance. As suggested by Marta Furlan, rebel groups are capable of engaging in balancing ideology and pragmatism while engaging in governance, and they are open to adapt increasingly pragmatic governance strategies over time. Accordingly, al-Qa'ida in the Arab Peninsula (AQAP) initially ruled consistently with its Salafi-Jihadist ideology in its first

phase of governance in Yemen (2011–2012). However, AQAP's actions became less consistent with this ideology, with respect to civilian participation, the approach to other actors, and posture towards pre-existing institutions in its second experience of ruling (2015–2016).

Unlike most existing literature on rebels that focuses on governance provided by one group, this book enters new theoretical and empirical terrain by analysing efforts to provide joint governance by two groups. Regine Schwab skilfully analyses joint governance provided by Ahrar al-Sham (AS) and Jabhat al-Nusra (JN), the two most important Islamist militant groups in Northwestern Syria, and the ways that they have tried to manage the ensuing competition over power, control, and popular support. Schwab concludes that joint governance bodies exist but are prone to internal contestation and centrifugal forces. Nonetheless, the experience in the governance of Northwestern Syria was far from being as violent, as would be expected based on recent literature. In fact, violence between groups was limited, as long as they were linked to each other in joint bodies and hence, interdependent.

Exploring new territories that have not been studied before in the area of rebel governance in a context of civil war, Raed Ahmed explains how indigenous social forces, namely tribes, become rebels in their own ways. He argues that, since the definitions of rebel organisations and rebel governance refer to controlling territories, recruiting members, and regulating civilians' issues,²³ it has become difficult to differentiate between tribes and rebels in Libya after 2011. That is, because of the fragile and weak governments in Libya, tribes started adopting the model of rebel governance. Nevertheless, Ahmed alerts us that establishing independent or tribal-rebel groups remains conditioned by factors of *communal cohesiveness, geographic location, and power of the political actor*.

A special focus is also placed on explaining the root causes of the phenomenon of rebels, as Massaab Al-Aloosy examines the case of Iraq.

²³ Ana Arjona, *Rebelocracy: Social Order in the Colombian Civil War* (Cambridge: Cambridge University Press, 2017); Ana Arjona, Nelson Kasfir, and Zachariah Mampilly, eds., *Rebel Governance in Civil War* (Cambridge: Cambridge University Press, 2015), 24; Kathleen Gallagher Cunningham and Cyanne E. Loyle, "Introduction to the Special Feature on Dynamic Processes of Rebel Governance," *Journal of Conflict Resolution* 65, no. 1 (2021): 3–14; Corinna Jentzsch, Stathis Kalyvas, and Livia Isabella Schubiger, "Militias in Civil Wars," *Journal of Conflict Resolution* 59, no. 5 (2015): 765–769; Weinstein.

He traces how these rebel groups in Iraq are part of a larger problem, which is the dysfunction of governance. Indeed, the purpose of the Iraqi government has become narrowed to serve the interest of the elite instead of benefiting society as a whole. As a result, a gap has emerged between the government and the people that is widening as time passes, with grave implications, such as the reliance on other sources of security such as militias. A high unemployment rate also allows the militias to robustly recruit, while social divides allow them to mobilise, or the weakness of the state allows them to thrive—all structural impediments to addressing the existence of these militias.

Furthermore, the book delves into the typical understanding of “state power,” creating a distinction between state and non-state actors, portraying them as mutually exclusive entities. Will Grant-Brook through his study of Hay’at Tahrir al-Sham (HTS) and its development over the course of the Syrian civil war explains that this boundary is not always clear, and thus our understanding of state power in certain situations should be re-considered. Accordingly, the case of HTS shows that war (particularly civil war) makes state terrain *capturable*; it opens up the space for rebel powers to institute new relations of social power over a population, and then to present themselves as those in control. If HTS is able to maintain control—and lessen international opposition to its control and become an *accepted* state power—it may become an example to other non-state groups. Its experience could also show that the state is a terrain to fight over and an arena of political control which is shaped by networks of power and is constantly in flux, rather than a specific distinct entity. HTS’s contested control of Idlib makes the case even stronger for a wider interpretation of state power.

Finally, the book highlights the issue of the prosecution of “rebels” and the politics associated with it. Shannon Maree Torrens highlights that, for the prosecution to be seen as “worthy” at the international level, it must arguably be perceived as being against something or someone “bad” or “negative”—often a rebel. Many rebels, however, are fighting for something that is not necessarily negative, but solely oppositional to the status quo. That is not to say that the international crimes and mass atrocities that they commit should go unpunished. It is, however, to say that they are treated as the “other” for the crimes they have committed, due to their

opposition to established groups and authorities. The “other” is someone outside of the established order that is often seen as being negative, regardless of the integrity of the traditional authority against which they have rebelled. Framing rebels as the perpetrators through their disproportionate prosecution contributes to the narrative that international justice is for the “other” and that governments and elected political leaders do not commit international atrocities to the same extent, which is not the case.

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Rebel Statehood: Wartime Rebel Governance and the Sub-National Identity in Syria

Abdalhadi Alijla 

Introduction

When I designed the survey of identity and rebel governance with a focus on Qamshli and areas under the control of Kurdish rebels, I intended to test the survey and obtain feedback from local people before running it in the field. As I posted the survey, asking members of Eastern Syria to assist in testing the survey and explaining the aim of the research, I received angry comments and rejections of the idea that the Syrian Democratic Forces (Hêzên Sûriya Demokratîk, or Qasad in Arabic, QSD), and the Autonomous Administration of North and East Syria (NES) provide services to the population. The rejection primarily stemmed from a notion that such surveys legitimise the QSD and NES, given that most of

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the responses came from Arabs, Armenians, and Assyrians. This intensified my initial feeling that identity in North and East Syria under the QSD has become a major issue, especially among young people. As Mohamed Jalloud put it, “Identity transformation is impossible. They [QSD] and others will not be able to change it.” Others like Mohamed Hammoud said: “All questions are to support QSD, Damn QSD and NES.” The fight to label who has power and the legitimisation of certain groups that have a clear ethnic identity is problematic in Northeastern Syria. Since the NES took over Al-Jazira, Arabs and other minority groups, such as one formed by the Assyrians, prefer to be called as “Al-Idara Al-Zatiya,” rather than QSD or Kurdish forces, to avoid being labelled as the only force or the de-facto governance structure/apparatus with Kurdish identity.

For many decades, Syria’s Kurdish population were not able to show or display their identity in public through costume, music, or flags. However, they were allowed to incorporate their identity’s symbols through Arabic identity, including the use of names, to avoid the Syrian regime’s strict regulations that ban any other identity than Arab. Kurds comprise Syria’s largest non-Arab ethnic minority, with 3.5 million to 4 million people, or about 15–17 per cent of the total population of 23 million.¹ For decades, the Ba’athist regime forced a state-based nationalism that shaped people’s identities, including those of minority ethnic groups.² Since the beginning of the Syrian uprising in March 2011, when people demanded political and administrative reforms, resulting in a civil war and military confrontation, the Northeastern part of Syria, home to 2 million Kurds has played a central role in the uprising and later the militarised actions against the regime and ISIS, as well as other militias and tribes. Since the start of the civil war, Kurds have been able to display their flag, listen to their music, and perform their folklore dance

¹ “Syria’s Kurds: A Struggle Within a Struggle,” International Crisis Group Middle East and North Africa Report 136, 22 January 2013, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/syria-s-kurds-struggle-within-struggle>.

² Rahaf Aldoughli, “Departing ‘Secularism’: Boundary Appropriation and Extension of the Syrian State in the Religious Domain since 2011,” *British Journal of Middle Eastern Studies* (2020): 360–385, <https://doi.org/10.1080/13530194.2020.1805299>.

across the Kurdish regions in Syria.³ Protests in the region started mainly in Amouda and Qamishli, but these demonstrations were peaceful and in general lasted for a few hours with a few hundred people.⁴ However, in June 2011, on “Friday of the Tribes” hundreds took to the streets of Amouda calling for the fall of the regime.⁵ Al-Jazira, which constitutes only 26 per cent of Syria’s land mass, hosts many military groups, as well as international and regional powers that try to play a role in the Syrian conflict. However, the “Eastern Euphrates” as a politico-geographical concept was not common prior to battles in 2014 between the Islamic State (ISIS) and Kurdish forces along with the international coalition. This area is not eastern Syria, but it contains large parts of Der-Ezzor, Idlib and from Aleppo governorate.⁶

As Kurds and Arabs started to protest in Al-Hassaka, the regime did not use force because it did not want to fight along two fronts, withdrawing its forces from Northeastern Syria to Damascus and other major cities. Yet, the tension between Arabs and Kurds was palpable. The regime has armed some Arab tribes in Al-Hassaka, such as the AlWalda and Tay tribes who feared that, if the regime collapsed, Kurds would seek revenge, as they were blamed for siding with the regime against the Kurds in the 2004 Kurdish uprising.⁷ With the use of Kurdish flags, language, costumes, and symbols of Kurdish cultural identity, a general sentiment of Kurdishness in Northern Eastern Syria started to appear, distinguishing it from other identities.⁸

The vacuum of power and non-existence of central government forces in late 2013 opened the doors for Kurdish tribes to take over a large

³ LCRC, “Kurds Are Revolting,” Lebanese Center for Research and Consulting, 9 October 2011. Accessed 25 June 2022, <http://center-lcrc.com/news/4923>.

⁴ BBC, “Syria: Deaths and Injuries in Douma, Damascus,” BBC News, 1 April 2011, https://www.bbc.com/arabic/worldnews/2011/04/110401_syria_ten_killed.

⁵ “Amouda, Tribes’ Friday/Syria’s Revolution,” Youtube, 2011, Syria, https://www.youtube.com/watch?v=n8U2xhxA_-s.

⁶ Saed Abdelrahim, “Political Conflict Mapping in North Eastern Syria,” Levant Strategic Studies, Center, 12 September 2019. Accessed 25 June 2022, <https://bit.ly/3ykE8H2>.

⁷ Haian Dukhan, *State and Tribes in Syria: Informal Alliances and Conflict Patterns* (London: Routledge, 2018).

⁸ Ola Rifai, “The Kurdish Identity; from Banishment to Empowerment,” *Syria Studies* 8, no. 2 (2016): 12–24.

part of Al-Hassaka and announce the autonomy of Al-Jazira (Rojava). However, fearing the response of Arab tribes in Al-Jazira, they appointed Sheikh Hamed Al-Jabra of Shammar tribe as the honorary governor.⁹ The actions of the Kurdish Democratic Party (PYD) show that they were gradually working to impose their agenda and therefore appointed an Arab governor to gain Arab legitimacy and avoid clashes.

During civil wars, identity as much as the society is fragmented. Sub-national groups and ethnicities, like Kurds in Syria, seek to have their own identity. In Syria, this is due to the trust deficit caused by decades of authoritarian practices.¹⁰ Ethnic and political conflict with deep polarisation, however, reinforces divisions, which persist even post-war.¹¹ Many scholars have examined ethnic divisions and identity where they argue that civil war creates various sub-national and national identities as a result of different levels of violence, generates fears, and destroys the level of trust among both groups and individuals within the groups.¹² However, in Syria, the findings suggest that the level of distrust varies based on the level of violence and destruction the areas were subjected to

⁹ Sam Dagher, "Control of Syrian Oil Fuels War Between Kurds and Islamic State," *The Wall Street Journal*, 23 November 2014, <https://www.wsj.com/articles/control-of-syrian-oil-fuels-war-between-kurds-and-islamic-state-1416799982>.

¹⁰ Abdalradi Alijla, *Trust in Divided Societies State, Institutions and Governance in Lebanon, Syria and Palestine* (London: Bloomsbury, 2020).

¹¹ Abdalradi Alijla, "Political Division and Social Destruction: Generalized Trust in Palestine," *Contemporary Arab Affairs* 12, no. 2 (2019): 81–104; Abdalradi Alijla, "Between Inequality and Sectarianism: Who Destroys Generalised Trust? The Case of Lebanon," *International Social Science Journal* 66, no. 219–220 (2017): 177–195; Scenn Gunnar Simonsen, "Addressing Ethnic Divisions in Post-Conflict Institution-Building: Lessons from Recent Cases," *Security Dialogue* 36, no. 3 (2005): 297–318; Stathis N. Kalyvas, "The Ontology of 'Political Violence': Action and Identity in Civil Wars," *Perspectives on Politics* 1, no. 3 (2003): 475–494.

¹² Dominic Rohner, Mathias Thoenig, and Fabrizio Zilibotti, "Seeds of Distrust: Conflict in Uganda," *Journal of Economic Growth* 18, no. 3 (2013): 217–252; Duško Sekulić, Garth Massey, and Randy Hodson, "Ethnic Intolerance and Ethnic Conflict in the Dissolution of Yugoslavia," *Ethnic and Racial Studies* 29, no. 5 (2006): 797–827; Alijla, *Trust in Divided Societies*; Ashutosh Varshney, "Ethnic Conflict and Civil Society: India and Beyond," *World Politics* 53, no. 3 (2001): 362–398; John O'Loughlin, "Inter-Ethnic Friendships in Post-War Bosnia-Herzegovina: Sociodemographic and Place Influences," *Ethnicities* 10, no. 1 (2010): 26–53.

during conflict.¹³ It is likely that sub-national identities or diverse identities are more present in conflict areas in which individuals were subject to a higher degree of violence.

Little has been written about the governance strategies and service provision of the Kurdish forces, PYD, and later the Autonomous Administration of Northeastern Syria, especially in terms of health care, infrastructure, and education under severe conditions and scarcity of resources. Northeastern Syria is thus an interesting case study in relation to the assertion that effective rebels' service provision is connected to patterns of identity. However, this paper argues that the context, specifically the level of fragmentation within certain ethnicities and among more than one ethnicity, affects the pattern of identity with or without effective service provision, especially during conflict. Northeastern Syria provides an interesting case, as it houses different ethnicities and various levels of regional and tribal identities. It is also important to examine the Autonomous Administration as it has been problematised, in the context of the Kurdish identity to study the Kurdish representativeness.¹⁴

This chapter makes a theoretical and empirical contribution to the literature on rebel governance and identities. In this chapter, I seek to provide new evidence on the effect of rebel governance on sub-national/ethnic identities, taking Northeastern Syria as a case study. In the below, I consider both the level of violence to which individuals are subjected and the institutions of service provision, both of which have a long-lasting effect on the identities of individuals.

In Syria, identities are multi-layered. For instance, there is ethnic identity, such as Kurdish, Turkmani, and Assyrian, as well as religions/sectarian identity such as Sunni, Shi'i, Ismai'li, and Christian. The multi-layered identities within a territorial state identity do not only originate from below, but also from above by state-imposed identities.¹⁵

¹³ "Social Degradation in Syria," Syrian Center for Policy Research, 1 June 2017, <https://www.scp-syria.org/social-degradation-in-syria/>.

¹⁴ Harriet Allsopp and Wladimir van Wilgenburg, *The Kurds of Northern Syria Governance, Diversity and Conflicts* (London: I.B. Tauris, 2019).

¹⁵ Michael N. Barnett, "Sovereignty, Nationalism, and Regional Order in the Arab States System," *International Organization* 49, no. 3 (1995): 479–510.

Rebels and Service Provision

Rebels take control of a territory and then contest the central state's military and power. In fact, when rebels provide services, they can attract support, which in turn grants them legitimacy, allowing them to recruit members and extract resources from the community and from resources developed by the community. In cases of civil wars and widespread violence, such as in Syria, providing security and protecting civilians is a very reliable mechanism to secure popular support and gain their acceptance.¹⁶ In other words, civilians are the most important component of rebels, especially in terms of recruitment and resources. They provide access to information, labour, human resources, and in many cases resources during battles or fights.¹⁷ In Northeastern Syria, civilians are not only a central part of the PYD and QSD efforts to maintain control, but also the main source of fighters through a mix of voluntary recruitment and in some cases forced mobilisation of child soldiers.¹⁸ When governance activities burdened PYD, it created the Autonomous Administration of NES, which includes other groups from different Kurdish parties, as well as from the Arabs, Assyrians, and Christians. In that case, the PYD could channel more resources from INGOs, and local NGOs to serve the public, while it focuses on the military and security activities.

Although many studies examine the legitimacy of rebels, as well as their ability to recruit and provide services, few studies examine the effect of service provision at the sub-national and ethnic level. This is because service provision can affect people's behaviour and choices.¹⁹ In other words, the way people perceive service provision from rebels influences their future choices and amends their values to be for or against rebels or to have a stronger sense of belonging to the group or not. For instance,

¹⁶ Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), 488.

¹⁷ Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2006).

¹⁸ Al-Quds, "Increase in Child Forced Conscription in PYD's Areas in Syria," Al-Quds AlAraby, 7 September 2020, <https://bit.ly/3byvkCD>.

¹⁹ Robert W. Jackman and Ross A. Miller, *Before Norms: Institutions and Civic Culture* (Michigan: University of Michigan Press, 2004).

the better the quality of services provided by ISIS in the city of Mosul in Iraq, the likelier many inhabitants were to stay in the city because ISIS provided better services than the central state.²⁰

When rebel leaders take over a territory, their main aim is to create sustainable institutions that attract civilians and ensures loyalty.²¹ Besides that, providing services, especially in the beginning, of at same quality (or better) than those provided by previous authorities, will reduce the risk of defection and disobedience. Service provision therefore needs to be sustainable and effective, which means that rebel leaders must create a system of service provision. The establishment of a service provision system involves the establishment of institutions and a hierarchy in which rebels are able to provide services at good quality and for all people in the territories under their control to ensure the establishment of their legitimacy.²² In many cases, as in Syria, the central state keeps supporting and providing services, such as education, health, electricity, and water, in addition to granting salaries to state employees to keep a minimum connection with the citizens and thus to maintain their legitimacy. For instance, the Kurdish administration and rebels maintained limited relations with the Syrian government in specific areas, concerning specific services.²³

In general, civilians perceive a rebel group as legitimate when it can provide services, such as health, infrastructure, education, and welfare, along with security and protection. In Syria, where different ethnic groups and lines of division exist, especially in Northeastern Syria, ethnicity plays a significant role in enhancing the legitimacy of rebels (QSD and PYD). Since the advancement of Kurdish forces when they seized control of large parts of Al-Jazira, where tribes, Arabs, Assyrians, and Christians live, legitimacy became a concern for QSD leadership. As a result, they invited other representative bodies to be part of the

²⁰ Mara Redlich Revkin, "Competitive Governance and Displacement Decisions Under Rebel Rule: Evidence from the Islamic State in Iraq," *Journal of Conflict Resolution* 65, no. 1 (2021): 46–80.

²¹ Yuichi Kubota, "Imagined Statehood: Wartime Rebel Governance and Post-War Subnational Identity in Sri Lanka," *World Development* 90 (2017): 199–212.

²² Yeheskel Hasenfeld, "Power in Social Work Practice," *Social Service Review* 61, no. 3 (1987): 469–83.

²³ Allsopp and van Wilgenburg.

Autonomous Administration that provides services to civilians. The more the rebels can prove their capacity to run and develop a highly developed bureaucratic machine, the more they can boost the level of trust in them among civilians.

However, when rebels are acting in multi-ethnic or divided societies, such as Northeastern Syria, a new factor is added: the rebels must convince other sects (e.g., non-Kurds) that they are able to provide services and substitute for the central government, behaving like a state that treats all civilians equally. In other words, activities that increase the level of trust in rebels, which also provide legitimacy, will affect loyalty and how people define themselves. For instance, when Arabs under Kurdish forces see that the QSD or the Autonomous Administration provides better services (including protection and security) than the central government, they are loyal to the rebels, but still define themselves as Arabs, or Syrian, or their region (Jazrawi). However, when Kurds see that the services provided by the rebels are not as good as it was during the central government, they would prefer to define themselves as Syrian, rather than Kurd. The ability of rebels to convince civilians that they have the capacity of statehood affects both the legitimacy of the rebels and how people, as beneficiaries, see themselves within the imagined statehood of the rebels (their identity).

The idea of the QSD and the Kurdish forces is to have statehood, as they are acting in an imagined statehood which is the realisation of their vision of confederalism or a sovereign state in which they impose their own views, using flags, symbols, costume, language, and regional and international politics to bolster their legitimacy. As Förster argues, rebels use the image of the state to make their vision the dominant one in the society.²⁴ This image holds the Kurdish identity as dominant in Al-Jazira. Thus, civilians embrace the identity of the imagined state, or the rebels' state, as they impose and influence the civil norms and values.²⁵ Service provision is critical to encourage civilians to be a part of the identity, to show and enforce their identity, or to renew other identities.

²⁴ Till Förster, "Insurgent Nationalism: Political Imagination and Rupture in Côte d'Ivoire," *Africa Spectrum* 48, no. 3 (2013): 3–31.

²⁵ Sukanya Podder, "State Building and the Non-State: Debating Key Dilemmas," *Third World Quarterly* 35, no. 9 (2014): 1615–1635.

Northeastern Syria: The Political Landscape

In early 2011, most Kurds, who had been stripped from their Syrian citizenship decades ago as part of the Arabisation of Northern Syria, re-gained their Syrian citizenship. However, the naturalisation process and political context have changed, making Kurdish identity more visible, and stronger, both militarily and politically. From 2011 until 2020, the political landscape of Northeastern Syria changed dramatically, with many political actors trying to gain power in the region. As the region hosts many ethnicities and divergent political groups, international and regional powers have been working to influence local political actors (big or small). As a result of international and regional, as well as local, pressure, and influence, most political actors formed gatherings, councils, and organisations that host parties and actors, to have more power and face local competitors. Most of these gatherings are Kurdish or have Kurdish identity. The main political actors in Northeastern Syria include the Democratic Union Party (PYD) which was formed in 2003 as an extension of the Turkish PKK. Until 2011, its members were oppressed by the Syrian Government, however, the turning point in 2011 resulting in them gradually mobilising and adding members.²⁶ In December 2011, the PYD established the Council of the People of Western Kurdistan, which became the local administrative unit that governed Kurdish areas after 2011. The council established service provision institutions through Dar-Alshaeb (People's House) and Dar-Almara'a (Women's House).²⁷

In the same year, the Union for a Democratic Society (TEV-DEM) was established as an umbrella for organisations affiliated with the PYD.²⁸ In 2018, TEV-DEM announced its new programme to leave the political arena and focus on civil society, service provision, and professional unions, giving the Syrian Democratic Council (SDC) the

²⁶ "The Kurdish Democratic Union Party," Diwan Carnegie Endowment for International Peace, 2012, <https://carnegie-mec.org/diwan/48526?lang=en>.

²⁷ Hmeidi, Mohanad, "The Crisis, Corruption and Bread in Qamishli," *Kassouin Magazine*, 2020, <https://kassouin.org/syria/item/31069-1904>.

²⁸ PYD, "Internal Program and Charter of PYD," Book No. 6. Qamishli, Syria: PYD, 2007.

opportunity to take over the political and administrative arena.²⁹ In 2015, the SDC was established from Assyrian, Arab, and Kurdish tribes, as well as smaller political parties which have close relations to the PYD. In 2018, the SDC announced the establishment of an autonomous region in Northeastern Syria.³⁰ In May 2020, the PYD formed a new political coalition along another 24 political Kurdish political groups called The National Kurdish Parties. This move aimed to strengthen the PYD's position in Kurdish-Kurdish negotiations between the PYD and Syrian Democratic Forces and its leader, Mazloum Abdi.³¹ The PYD and its allies are the most influential parties that have a strong and popular base among Kurds in Syria, due to its political and military forces, although other Kurdish political parties and groups exist. These groups include the Kurdish National Council, which was formed in 2011 from 13 political parties and backed by the Kurdistan Region of Iraq government, which has international and regional connections especially with the US. It is also popular among Kurds in Syria and has become an influential political group. Another Kurdish political group is the Kurdish National Coalition, which was established in 2016 by five Kurdish groups.³² They have been part of the Syrian Democratic Council and the Autonomous Administration of NES. Another Kurdish political group is the Future Syria Party that was established in 2018, and the Front for Peace and Freedom. In May 2020, the Kurdish National Council formed a new coalition named the Front for Peace and Freedom, along with the Assyrian Democratic Organisation, Al-Ghad Syrian Movement, and the Arabic Council in Al-Jazira and Euphrates.³³

In contrast, Arab political groups are not well organised and most of the forces rely on tribal relations. Many of these tribes have organised

²⁹ Hawar, "The Final Statement of the Third General Assembly of Tev Dem," Hawar News, 2015, <https://bit.ly/33vrx3P>.

³⁰ Kurdistan24, "Syrian Democratic Forces Announce the Establishment of Self-Governing Administration," Kurdistan 24 News, 2018, <https://bit.ly/35wByQf>.

³¹ Saed Abdelrahim, "Political Conflict Mapping in North Eastern Syria," Levant Strategic Studies, Center, 12 September 2019. Accessed 25 June 2022, <https://bit.ly/3ykE8H2>.

³² Ibid.

³³ Levant, "To Gap the Different Views: PYD Welcomes the Establishment of Freedom and Peace Front," The Levant News, 2020, <https://bit.ly/2ZvHN2M>.

themselves politically and became part of the Autonomous Administration of NES, while others have kept their relations with the regime in Damascus.³⁴ The most prominent Arab political groups in North Eastern Syria are the Arab Council in Al-Jazira and Euphrates (established in 2018), the Arab National Commission (founded in 2012), The Democratic Conservative Party (established in 2017), Al-Ghad Syrian Movement (founded in 2016), Al-Hassaka Political Commission (created in 2020), Al-Raqqa Political Commission (established in 2020), the Arab Democratic Coalition in Al-Jazira and Euphrates, and Al-Jazira Independence Movement.³⁵ Arab political parties fall into two categories. The first is tribal forces, which try to gain more power and representation in the administration of Al-Jazira alongside Kurdish forces. These tribal forces have a communal base and military power. Tribal Arabic demands focus on eliminating the Kurdish identity of the administration and asking for more power to the locals. The second category of Arab politically organised and motivated groups has regional and international connections and demands the end of the Autonomous Administration of NES.

Additionally, Kurdish-Kurdish conflict exists in NES. There is a conflict between the PYD and its affiliated parties on one side and the Kurdish National Council in Syria on the other. The council asks for more partnership in the Autonomous Administration, while the PYD sees itself as the legitimate ruler with political and military power. This conflict affects Kurdish identity, as many Kurds try to identify themselves less with a party and more with their tribe, city, or region. Indeed, many regional and local forces try to influence the situation in NES, especially Turkey, the Syrian regime, and Iraq, all of which try to weaken the QSD.³⁶ In most cases, these forces play the identity card.

The Kurdish-Arab conflict, especially after the defeat of ISIS by Kurdish forces is a defining factor for the future of the region, where the QSD, PYD, and Autonomous Administration are trying to find solid ground to provide Arab tribes with more power and to avoid ethnic

³⁴ Osama, Aghi, "Clans of Eastern Syria," MENA Studies Center, 22 February 2019.

³⁵ Ibid.

³⁶ SyriaHR, "Syrian Regiem Meets AlEikidat Clan," Al-Marsad Al-Suri, 2020, <https://bit.ly/2FsEq67>.

conflict among rising tension in the region.³⁷ This is not only related to bureaucracy, but also to the fear of Arab tribes that the Autonomous Administration is strengthening the Kurdish identity in the region at the expense of the Arab and Assyrian identities.

Tribalism, Identity, and Al-Jazira

Although many argue that tribal conflicts in the Middle East diminished after the establishment of nation states, tribal identity is still strong. Tribal identity is linked to kinship loyalty, which plays a significant role in today's relationships in the Middle East, especially in war-torn societies. Since the rise of the Syrian nation state in the early 1960s, the power of tribes has been weakened by the military and economic power of the central government.³⁸ As a result, tribal identity was weakened when many tribal members joined political movements, namely the Ba'ath regime. However, tribal identity was strengthened indirectly, when many tribes tried to gain political rights and power from the state. Further, authoritarian regimes have incorporated tribalism into the political order to extend their legitimacy.³⁹

Tribalism has played an important role in the Syrian uprising that turned into a civil war. Tribal regions in Syria constitute almost 70 per cent of the country. However, a main challenge that faced Northeastern Syria during the uprising was the division between Kurds and Arabs, became clear at conferences and official meetings in the early days of the revolution. For example, Kurdish parties withdrew from the Syrian Opposition Conference in Cairo in 2012 after they had a verbal quarrel with the Syrian Arab Tribes Council when the Kurds asked the opposition to condemn and abolish the Arab belt project initiated in the 1970s

³⁷ ANHA, "Ilham Ahmed: An Internal Dialogue in the Region Is Crucial to Empower the Self-Administration," Hawar News Agency, 20 August 2020. <https://bit.ly/32q0tmC>.

³⁸ Dukhan.

³⁹ Abdalhadi Alijla, "Politics of Tribe and Kinship: Political Parties, and Informal Institutions in Palestine," Istituto per Gli Studi Di Politica Internazionale (ISPI) Analysis No. 173, March 2013, http://www.ispionline.it/sites/default/files/publicazioni/analysis_173_2013.pdf; Yoav Alon, *The Making of Jordan: Tribes, Colonialism and the Modern State* (London: I.B. Tauris, 2009).

by the Hafez al-Assad regime.⁴⁰ Through such incidents, the Kurds tried to impose new realities by gaining recognition from the opposition conference, as well as from the Arab tribes, that Al-Hassaka is a Kurdish region, to impose a new identity. Indeed, after 2012, Northeastern Syria started to be called “Rojava.” The majority of Kurds living in Northeastern Syria in an area called “Al-Jazira” in Arabic, which literally means “the island” because it is located between the Euphrates River to the east and the Tigris River to the west, and dominates most of the governorate of Al-Hasaka.⁴¹ The Kurds in Al-Hassaka are divided into several tribes: the Amikan, Biyan, Sheikan, and Jumus.⁴²

A turning point in the relationship between the Kurds of Syria and the Syrian central government took place in 1962. The Syrian Government at that time stripped 120,000 Kurds of their citizenship, and later in 1963 the Ba’ath party took power in both Syria and Iraq and initiated war with Kurds in Iraq to crush their efforts to gain self-determination rights.⁴³ In addition, the Syrian regime under Hafez al-Assad used Arab tribes, specifically sheikhs, to stand against Islamists and Kurds, mainly in the Hassaka governorate.⁴⁴ Therefore, the state exerted efforts to Arabanise the Hassaka.

During the leadership of Bashar al-Assad since 2000, the support of Arab tribes in Hassaka for the regime was weak and undermined the stability of the regime, as there were clashes between Kurds and Arabs from one side, tribes between themselves, and also between Kurds and the regime. One of the most famous clashes took place in 2004 after a football match between local teams from Deir Ezzor and Qamishli, when fans of Deir Ezzor chanted slogans praising Saddam Hussein, while Kurdish team fans chanted slogans against him and others in support of

⁴⁰ Ibid.

⁴¹ Wagiha Mhanna, “Syria’s Climate Crisis,” Al-Monitor, 27 November 2013. <https://assafirabi.com/en/3334/2013/11/27/syrias-climate-crisis/>.

⁴² Jordi Tejel, *Syria’s Kurds: History, Politics and Society* (London: Routledge, 2008).

⁴³ Ismet Chériff Vanly, “The Kurds in Syria and Lebanon,” in *The Kurds: A Contemporary Overview*, eds. Stefan Sperl and Philip G. Kreyenbrock (London: Routledge, 1992): 150–170.

⁴⁴ Ibid.

American President George W. Bush.⁴⁵ The incident showed the strong association of identity between Kurds of Syria and Iraq, but also showed that Kurdish identity was stronger than Syrian national and regional identity, since the teams were local and from different regions. In the aftermath of the civil war, Assad has tried to reconstruct national identity to serve the regime, using a religious frame as a base for national unity, saying “we belong to Mohamed Only,” thereby including Kurds who are Sunni Muslims.⁴⁶

The Syrian Democratic Forces (SDF) comprise predominantly Kurdish militias along with other Arab and Assyrian militias. Although the SDF is mainly composed of Kurdish forces, it has allied with many Arab tribal militias and tribes, such as the Assaf and AlWalda who fought alongside them to liberate Al-Hassaka from ISIS.⁴⁷ When ISIS took over parts of Syria and Iraq, the international coalition, including the US and many Western countries, saw the YPG (People’s Protection Units) as a more organised and reliable force with which to coordinate, train, and work to fight ISIS, thereby providing considerable resources to Kurdish militias and forces, as well as to their appointed rebel governments.

As conflict intensifies, state institutions become weak, and solidarity within one tribe becomes stronger. In that case, tribes become the protectors who provide services to their members. As the tribe becomes the primary protector, in the notion of *hamieh*, or solidarity and protection, the tribe becomes stronger, while a sense of belonging to the nation, region, religion, or state diminishes. As one tribal Sheikh confirms, “Tribal belongings is more important than the Islamic one.”⁴⁸ The local committees that were established by several tribes in Al-Hassaka started as units to provide security after the collapse or withdrawal of the Syrian army, but later tribes started to establish local committees that provided services to their members. As Arabs did not have a very strong political and representative institution like the PYD and as they were caught

⁴⁵ Tejel; Gary C. Gambill, “The Kurdish Reawakening in Syria,” Middle East Intelligence Bulletin, April 2004, https://www.meforum.org/meib/articles/0404_s1.htm; Kerim Yildiz, *The Kurds in Syria: The Forgotten People* (London: Pluto Press, 2005).

⁴⁶ Aldoughli.

⁴⁷ Dukhan.

⁴⁸ Ibid.

between the regime that marketed Arabism, their tribal identity became stronger. In contrast, the Kurdish population was more vocal about their ethnic identity, as they were not only fighting Islamic radicals, such as ISIS, but they were also standing against the regime who advanced the idea of one Syria, while the Kurds advocate for federalism or a separate self-autonomous state in Northeastern Syria for the Kurds. This is clear in the survey run by the Haramoon Center, in which only 6 per cent of Kurds agreed to keep the name of the Republic of Syria instead of Syrian Arab Republic, compared to 81 per cent of Syrians in Turkey, 72 per cent of whom lived in Idlib, and 58 per cent who lived in Syrian regime-controlled areas. This is related to the nature of political parties and their ideological preferences.⁴⁹

Thus, Kurdish identity is more visible, as the PYD and Kurdish parties, which dominate the QSD and the Autonomous Administration market themselves as an imagined state, or a statehood that can provide services and security to the public under the flag of the Kurdish forces.

Dynamics of Identity and Service Provision in NE Syria

The politicisation and weaponisation of ethnic identities in the Syrian civil war intensified the conflict and complicated the situational identity of all sects and groups in Syria. Kurdish identity, as well as tribal identities, are not the mere result of the recent conflict, but rather old constructs based on historical events, which were reawakened by the recent events.⁵⁰ However, current sub-national identities, especially in Kurdish areas in Northeast Syria, have been manipulated by the Syrian regime to disallow any group from forming its own distinct political identity within the claimed pan-Arabi state.

⁴⁹ Haramoon, "The Syrian Youth and Their Perceptions of the Future," Istanbul, 15 June 2020. Accessed 25 June 2022, <https://bit.ly/3rY5L68>.

⁵⁰ Christopher Phillips, "Sectarianism and Conflict in Syria," *Third World Quarterly* 36, no. 2 (2015): 357–376.

The PYD's identity has not been static, as it has shifted from being exclusive to inclusive of wider members of Syria in Al-Jazira, especially after 2015. In contrast to the rest of rebels in Syria, the PYD and the QSD adopted a wider appeal to Syrians, while others had Sunni Muslims appeal to oppose Assad's Alawi regime.⁵¹ When the PYD was supported by an external non-state actor, such as the PKK, it adopted an exclusive national identity, but, when the international coalition and the US supported and backed it, the group adopted a wider national identity. However, Kurdish identity was successfully mobilised among Kurds, which is explained by the capacity of the PYD and QSD to keep services (and provide services) for their constituencies, and the consistency of their appeal as Kurdish forces, while dozens of other rebel groups fragmented and competed for leadership based on sponsoring countries, for example Qatar, Saudi Arabia, Turkey, or the UAE.

The Syrian regime's domination of linguistic, cultural, and political identity, including unfair access to services and employment, has always been visible in the Kurdish areas of Northeastern Syria. A common understanding among Kurds, which generated anger and dissatisfaction, is that Arab political identity imposed by the regime is a threat to Kurdish identity. The result of such long policies has pushed Kurds and their political groups, such as the PYD and the National Council of Kurdistan, to seek separation. It is also reflected in the opinions and beliefs of the young generation of Kurds. For instance, 29 per cent of the surveyed Kurdish youth in PYD-controlled areas said that they belong to the Islamic world, which is explained by the active NGOs and groups that advocate for secularism, disengaging with pan-Arabism, and religion. Similarly, 97 per cent of the Kurdish youth under 23 preferred to have a multi-ethnic Syria with separate entities.⁵² When it comes to language, 31 per cent of the Kurdish youth preferred the Kurdish language over the official language in their areas. This is associated with younger Kurds (under 23 years old), who were between 13 and 15 years

⁵¹ Christopher Phillips and Valbjørn Morten, "'What Is in a Name?': The Role of (Different) Identities in the Multiple Proxy Wars in Syria," *Small Wars and Insurgencies* 29, no. 3 (2018): 414–433.

⁵² Haramoon, "The Syrian Youth and Their Perceptions of the Future," Istanbul, 15 June 2020. Accessed 25 June 2022, <https://bit.ly/3rY5L68>.

old when Kurdish forces took over the Northern Eastern part of Syria. The PYD then enforced the Kurdish language as the official language in educational institutes. Besides that, this preference is a response to the policy of the Syrian regime to ban the Kurdish language.⁵³

The complexity of national Syrian identity and sub-national identities during the conflict overlaps. As most Kurds are Sunni Muslims, they can also be identified as Kurds, while others identify themselves as Syrian Kurds. In many cases, tribal identities, even among Kurds, becomes stronger. Over the course of a conflict, people lose trust in formal institutions and turn to informal ones, such as families, ethnic groups, or even regions.⁵⁴ In that sense, multiple identities can coexist. However, most Kurds have drawn a strict boundary to their identities as a result of deep and intensive mobilisation of Kurdish parties, mainly the PYD. They define themselves as Kurds and seek a distinctly Kurdish separate political entity to represent them.

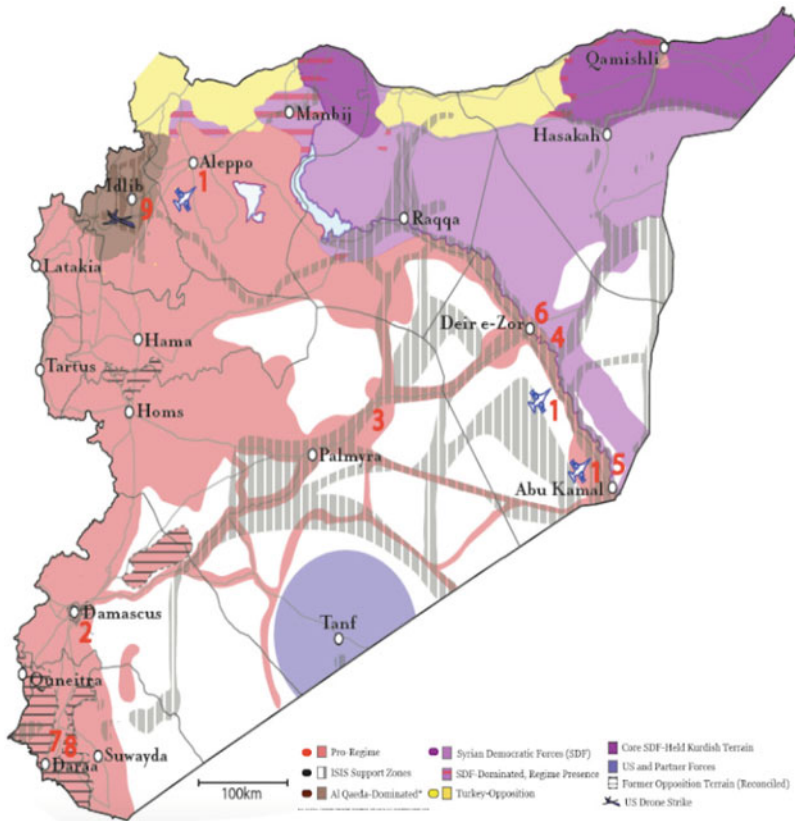
Thus, citizens have allied themselves with groups such as the PYD that advance their own identity but are also associated with rebel governance. The attachment of these sub-national identities exists in certain, defined geographical areas. The PYD created three self-administered non-contiguous cantons: Efrin, Kobane, and Cezire (see Map 1). Its territory extends over modern-day northern Syria, from Malkiya (Derik) on the eastern border with Iraq to Efrin on the Western border with Turkey, as indicated in Map 1.⁵⁵

After 2011, the PYD also founded the People's Local Committees (PLCs), in which each committee would be locally responsible. The PLCs act under a Central Coordination Committee, composed of 24 members comprising the heads of each department. TEV-DEM tried to fill the vacuum of public administration left by the Syrian regime. Although many services provided by the regime continued, the burden of public administration affected the rebels. Because the PYD and TEV-DEM had no experience in running bureaucratic institutions, they

⁵³ Ibid.

⁵⁴ "Social Degradation in Syria."

⁵⁵ Ghadi Sary, "Kurdish Self-Governance in Syria: Survival and Ambition," Chatham House Research Paper, 15 September 2016, <https://www.chathamhouse.org/2016/09/kurdish-self-governance-syria-survival-and-ambition>.



Map 1 Syria situation report: September 2–15, 2020 (Source Adapted from UN and Institute for the Study of War maps)

followed a security-led model of governance. In other words, the PYD's vision of governance prevailed in the region. It established political, executive, judicial, and legislative bodies, and attempted to bottom-up democratic elections.⁵⁶

Although the PYD and TEV-DEM succeeded in the delivery of security services to the public, other public services were absent. For instance, health provision is unreliable, and public health services suffer from a

⁵⁶ Ibid.

lack of staff and resources. Education, although the regime keeps funding it partially, is suffering from many gaps, such as a lack of facilities and schools. Another important aspect of public service and administration is the capacity of the PYD to take control of the economy. For instance, between late 2019 and the writing of this paper at the end of 2020, the crisis of wheat and bread has not been solved. The war has created a war economy led by war merchants who have taken control of many sectors, in collaboration with ruling rebels. War merchants have become a decisive power in the area under Kurdish rebels, where citizens accuse the PYD of incompetence in securing basic needs for citizens.⁵⁷

Amid the claimed ethnic sovereignty of Kurdish forces, the Syrian Government continues to pay the salaries of many TEV-DEM employees who were part of the regime's bureaucratic machine before 2012. For instance, in October 2018, the regime stopped paying the salaries of 581 teachers from NED under PYD control, claiming they needed to settle their military service before resuming their salaries.⁵⁸ The regime's strategy is to create a parallel structure and maintain minimum legitimacy in the area, thereby creating confusion among citizens and leaving unanswered questions about the ability of rebels to substitute regime services.

As a result of the presence of the regime, the PYD, and international organisations, hybrid governance has been created in NE Syria where the old system existed, along with INGOs and the rebels' own system of governance.⁵⁹ This hybrid governance during the conflict, especially in Syria, is assessed based on security provisions, effectiveness of services, and legitimacy.⁶⁰ By establishing a system of service provision, the PYD intends to strengthen Kurdish identity in the area in three ways: first, by providing civilians with security, especially by fighting against ISIS. The popularity of the PYD and its forces increased

⁵⁷ Mohanad Hmeidi, "The Crisis, Corruption and Bread in Qamishli," Kassooun Magazine, 2020, <https://kassoun.org/syria/item/31069-1904>; Sary.

⁵⁸ Rozana, "Qamishli: This Is Why the National Hospital Fired a Number of Its Employees," Rozana News Papwr, 2018, <https://bit.ly/330yMBf>.

⁵⁹ Roger Mac Ginty, *International Peacebuilding and Local Resistance: Hybrid Forms of Peace* (London: Palgrave Macmillan, 2011).

⁶⁰ Rana Khalaf, "Governance Without Government in Syria: Civil Society and State Building During Conflict," *Syria Studies* 7, no. 3 (2015): 37–72.

after the defeat of ISIS in Ein AlArab or Kobani.⁶¹ Second, the notion that Kurds were oppressed, as well as attempts to provide better-targeted services to Kurdish villages and cities, encouraged civilians to perceive them in a better way, and strengthened their Kurdish identity. Third, international cooperation with Kurdish forces, which are well-prepared and organised (in contrast with the Arab tribes and other minority forces) has provided a semi-legitimacy for the PYD and Kurdish forces, which provided the administration under their control with resources, which they used to provide services to civilians and therefore win their support. However, their attempts to affect the conceptualisation of the Kurdish identity through social, security, and economic incentives were not linear or homogeneous.⁶² In other words, several factors may have also affected Kurdish identity and how it was presented.

Survey and Data

I collected survey data in NE Syria between 5 May and 20 June 2020, with the help of research assistants who speak Kurdish and Arabic. The survey provides national coverage of citizens aged 18 and above in North-East Syria. The universe of the data is composed of the population from three main areas that represent the governorate level. It includes both urban and rural areas. Survey results are representative at the governorate level.

The survey was designed to include a representative sample from the governorate in which a mixture of ethnicities and religions exists. By necessity, it does not include some citizens who are inaccessible. Depending on the context and because of the COVID-19 lockdown, some areas were excluded. The unit of observation is at the individual level from a randomly selected household. One person from each home was allowed to respond to the survey. We relied on multistage sampling methods based on stratification. We also tried to represent the three

⁶¹ Aljazeera, "The Kurdish Forces Take Over Ein Al-Arab," Aljazeera News, 26 January 2015, <https://bit.ly/3mPOczR>.

⁶² Allsopp and van Wilgenburg.

main areas, which are Qamishli, Amouda, and Dirbasiya. As we focus on the governorate level, we stratified the survey by local areas and then sub-stratified by neighbourhood. For example, Qamishli was stratified into four areas (Al Garbiya, Al Chournich, Alwosta, and Qdorbaq); Amouda was stratified into three areas (Northern neighbourhood, the grand mosque neighbourhood, and main street); and Dirbasiya was stratified into four areas (Aysera, Almasakin, Alsouq, and the post-neighbourhood). Other surveys were conducted outside of these areas, including in Raqqa (mixed villages), Reef Deir Ezzor, Ras Alein, and Kobani, among others.

Interviews were allocated to each stratum using probability proportional to size (PPS), i.e., each stratum allocates interviews relative to its population. Within each stratum, primary sampling units (PSUs) are randomly selected. Within each PSU, the starting point was selected from the neighbourhood, and then samples were selected based on the block through digital maps. Pre-designated gender is also defined prior to the start of filling out the survey. In a mixed religious neighbourhood, religion was also pre-defined.

The survey collected 642 (few were dropped later) responses, most from Dirbasiya, Amouda, and Qamishli. All the areas where the survey collected data had been under the control of Kurdish forces for the last seven years. The response rate was 60 per cent. The data were collected face to face, with few dozen collected online in the first few days, in remote areas where access to the areas was very difficult, especially during the pandemic. The data collected met the objectives of the research, where asking about identity was challenging, but with the help of the research assistants, the Kurdish language, and opening remarks, the interviewee was confident and provided the information comfortably. Different types of identity were also explained to the interviewee in detail.

Variables

The dependent variable is identity, which is constructed by several questions in the survey, including those asking about the respondent's closeness with their surroundings and locality. The question about their relations to their locality was presented by asking how close they feel towards their city and another to the governorate (1 very close, 5 not very close). Ethnic identity is measured by their closeness to their ethnicities, tribes, and asking how they think of themselves (Table 1). Each of these variables was reconstructed later to 0 and 1, where 0 means less closeness/belonging and 1 more closeness/belonging.

The independent variable, the rebels' (Kurdish militants) service provision, was constructed. The question includes a wide range of civil service provision in addition to security. The interviewee was asked to provide answers to a set of services choosing the same for other rebels, INGOs, and Syrian government. The answers were then reconstructed to dummy variables, and later a new variable was generated from high services to low services (0 and 1).

Further, a question related to exposure to violence was asked to examine how violence could affect sub-national identity, mainly after the Kobani battle and engagement of Kurdish forces in the fight against ISIS. Table 2 summarises a set of these questions. Then the questions about

Table 1 Self-described identities

Identity	Percentage (%)
Only Kurd	37.32
Only Syrian	12.28
Only the tribe	0.31
Kurd-Syrian	35.43
Assyrian	0.31
Syrian-Assyrian	0.47
Only Arab	1.10
Tribe-Syrian	1.42
Arab-Syrian	8.82
Armenian only	0.31
Armenian-Syrian	0.63
Others	1.26
NA	0.31

Table 2 Summary of variables (Identity, Service provision, and Exposure to violence)

Variables	Obs	Mean	SD	Min	Max
Identity					
Belonging to a city	640	2.442	0.620	0	3
Belonging to a governorate	640	2.235	0.617	0	3
Belonging to a tribe	640	2.471	0.718	0	3
Belonging to ethnicity	640	2.651	0.611	0	3
Service Provision					
QSD service provision	639	1.898	0.992	0	3
Syrian Government service provision	640	0.45	0.852	0	3
INGOs service provision	640	0.962	0.734	0	3
Exposure to Violence					
Family member death	640	0.264	0.441	0	1
I was arrested	640	0.065	0.247	0	1
A relative was arrested	640	0.117	0.231	0	1
I was injured	640	0.073	0.261	0	1
Permanent physical disability	640	0.028	0.165	0	1
House damaged	640	0.100	0.300	0	1
Displaced	640	0.176	0.381	0	1

exposure to violence were rescaled and merged into two variables. The first is physical harm, which includes death and disability, and another livelihood harm, which includes losing one's job, displacement, and house destruction. Table 2 summarises the exposure to violence. Considering possible effects of individual characteristics on identity, controls of demographic information such as gender, level of education, income, age, status, and ethnicity (Kurd or non-Kurd) were included in the analysis (Table 3).

Analysis

This paper considers that the key to explaining sub-national identity is awareness of the rebels, their ideology, their ethnic group, and the services provided by different actors. As the dependent variable is binary (less level of belonging [0] vs high level of belonging [1]), logistic regression is employed to examine the association between the dependent variable and the other independent variables. Although some of the

Table 3 Frequency distribution of gender, age, education, income, and ethnicity

Variables	Characteristics	Respondents (%)
Gender	Female	45.47
	Male	54.53
Age	≤19	1.89
	20–29	53.46
	30–49	38.68
	50–59	4.4
	≥60	1.57
Education	No formal education	6.92
	Elementary School	11.64
	High School	33.96
	University/College	40.88
	Higher Education	6.60
Income (SP)	<300,000	43.87
	300,000–600,000	14.15
	600,000–1,000,000	4.09
	>1,000,000	6.45
	No Income	31.45
Ethnicity	Kurd	75.31
	Arab	21.38
	Assyrian	1
	Armenian	1.5
	Other	0.63
Closeness to Ethnic Group	Very close	71.38
	Close	23.58
	Not very close	3.93
	Not close at all	1.10

statistics are not significantly high, BIC test and model fit suggests that the models can be employed. The general model provided in Fig. 1 represents the hypothesis of this paper. Two statistical analyses are performed in this paper, with each analysing two different models. The first analyses the effect of services provision on the feeling of closeness to tribes, and the second focuses on the closeness to the ethnic group.

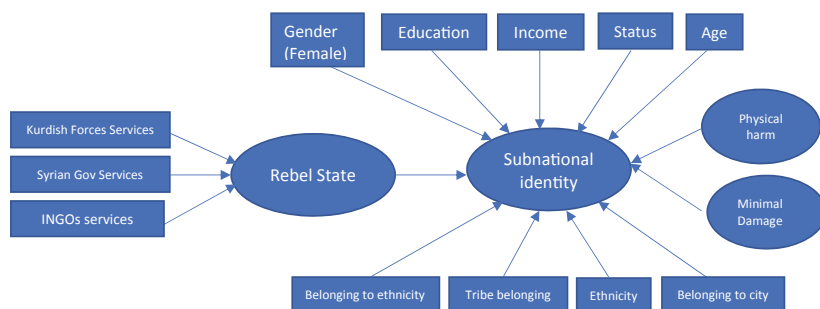


Fig. 1 Sub-national identity model

Table 4 presents two models that predict tribal closeness. The first includes tribal belonging as a dependent variable, while service provision is an independent variable. The results of this model ($Pseudo R^2 < 0.05$) support the hypothesis that service provision has an impact on tribal identity. Civilian awareness and consciences of the rebel state (considering the divergence of ideologies within the Kurdish population) have a direct impact on sub-national identity. There is a positive association between high service provision by the Kurdish Autonomous Administration and tribal identity. The more an individual believes that Autonomous Administration provides more services for others, the higher sense of closeness they would have to their tribes. The opposite goes with services provided by INGOs, including the United Nations.

The second model explores the same variables with the presence of demographic variables, such as gender, status, level of education, age, ethnicity, and income. In the second model, INGO services seem to be significantly associated with tribal identity in alignment with age and education. The fewer services received by NGOs and the UN, the higher probability that an individual will say they are closer to their tribe (increase in tribal identity). The less education, the more tribal identity is visible. When it comes to age, younger generations seem to be closer to their tribal identity.

From the above analysis, we see that rebel statehoods become a basis of identity for civilians who live under the control of the Autonomous Administration under the PYD. Individuals who hold a positive view

Table 4 Predicting tribal closeness

	Model 1	Model 2
Predicting Tribal Identity		
Services provision by Kurdish Autonomous Administration	0.39** (0.14)	0.22 (0.15)
Services provision by INGOs (including UN)	−0.58** (0.18)	−0.50** (0.18)
Services provision by the Syrian Government	−0.10 (0.23)	0.02 (0.23)
Age		−0.031* (0.01)
Ethnicity		0.57 (0.31)
Income		0.157 (0.14)
Education		−0.36* (0.17)
Status		0.14 (0.26)
Gender		0.58 (0.346)
Constant	2.2*** (0.30)	3.0** (0.97)
Observations	635	635
Pseudo R^2	0.037	0.09

Estimated coefficients are given with standard errors in parentheses underneath
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

of INGOs (more than Kurdish Groups, e.g., the PYD) tend to seek tribal shelter and protection, and therefore we see their tribal identity as more salient. Although there are many Kurdish political groups in PYD-controlled areas, the Autonomous Administration gained a level of popularity, especially after their battle against ISIS in Kobani. As the results suggest, violence will make ethnic identity more salient, especially among Kurds. The findings suggest that socio-economic context and factors, including family/tribe, socio-economic, and influence (especially extended and powerful families) offer an alternative identity and a form of representation. That is why among the 93 per cent of people who said that they have a very strong tribal identity, 71 per cent said they had a strong ethnic identity (closeness).

By testing the goodness of fit, model 1 shows a low degree which indicates a lack of evidence of fit (at 10 groups, the Hosmer–Lemeshow chi-squared value of 96.39 on 6 *d.f.* with a *p*-value of 0.0000). However, the second model indicates a better fit at chi-squared value of 5.28 on 8 *d.f.* with a *p*-value of 0.7273. When comparing the two models using BIC, it provides evidence of fit to the first model at 17.9 difference.

To estimate the effect of rebel statehood on ethnic belonging, I ran a logistical regression with ethnic identity (higher [1] vs lower [0]) as a dependent variable. In the first model without any control (demographic) variables, services provided by the Autonomous Administration and INGOs seem to affect the level of closeness to ethnicity. The more an individual believes that the Kurdish-controlled Autonomous Administration provides more services, the higher probability that they have a strong Kurdish identity, while the opposite is confirmed when it comes to services provided by INGOs. The second model shows that gender, status, and services provision by INGOs have an impact on ethnic identity. A female would have a higher probability than a male of having stronger Kurdish identity (Table 5).

Although the PYD claimed ethnic sovereignty over NE Syria, their service provision was affected by the ethnic group's perceptions. The PYD, the regime, and other minorities have acted as interest groups that seek service and legitimacy from other groups. The behaviours of interest groups affect the type of service, but also the sense of belonging to the group. Interest groups, especially in conflict, favour members of the group, which in return strengthens their sense of belonging and identity.

Testing the models fit, the second model indicates a better fit at chi-squared value of 7.23 on 8 *d.f.* with a *p*-value of 0.512. The first model with a *p*-value of 0.05 and chi-squared of 12.32 on 6 *d.f.* indicates lack of good fit. BIC analysis provides positive support for the second model. However, in both models, there is a significance of chi-squared <0.05.

Table 5 Predicting ethnic closeness

	Model 1	Model 2
Predicting Ethnic Identity		
Services provision by Kurdish Autonomous Administration	0.50** (0.19)	0.15 (0.21)
Services provision by INGOs (including UN)	−0.60** (0.23)	−0.53* (0.23)
Services provision by the Syrian Government	−0.17 (0.29)	0.20 (0.28)
Age		−0.02 (0.01)
Ethnicity		2.5*** (0.46)
Income		−0.21 (0.17)
Education		−0.17 (0.24)
Status		0.60* (0.36)
Gender		−1.0* (0.46)
Constant	2.7*** (0.39)	4.1** (1.3)
Observations	635	635
Pseudo R^2	0.04	0.21

Estimated coefficients are given with standard errors in parentheses underneath
 * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Violence and Sub-National Identity

Beyond rebel statehood and services provided by several actors in the areas under the Autonomous Administration, exposure to violence influences tribal identity, as Fig. 2 shows. This confirms the common understanding that exposure to violence affects sub-national identities and society in general, such as generalised trust.⁶³ The attacks of ISIS, the Syrian Government, and the PYD against other groups have created a feeling of strong belonging to the tribe for non-Kurds. As the analysis shows, the less exposure to violence, the higher identification with Kurdish identity. In other words, non-Kurds retained a strong tribal

⁶³ Alijla, *Trust in Divided Societies*.

identity. There were many cases, in which the experience of violence exercised by the PYD and other Kurdish groups affected identity adherence. For example, the PYD was accused of expelling people from their homes or confiscating the houses of people in some cities.⁶⁴ In addition, violence exercised by the PYD against many Kurds plays a role in expressing higher closeness to tribes.

For instance, the number of cases of child kidnapping for compulsory military services has increased in the recent years. In 2017 alone, the PYD kidnapped 224 teenagers, while the numbers were much higher in 2019 and 2020.⁶⁵ Idiosyncratic variables and personal experiences in the Kurdish areas influence identity formation. The killings, bombings, attacks, arrests, loss of livelihoods, as well as the personal experiences of seeing millions of displaced people, have contributed to the construction of the identity in NE Syria. A significant change in identity was observed in areas that witnessed extreme violence. For instance, 63 per cent of

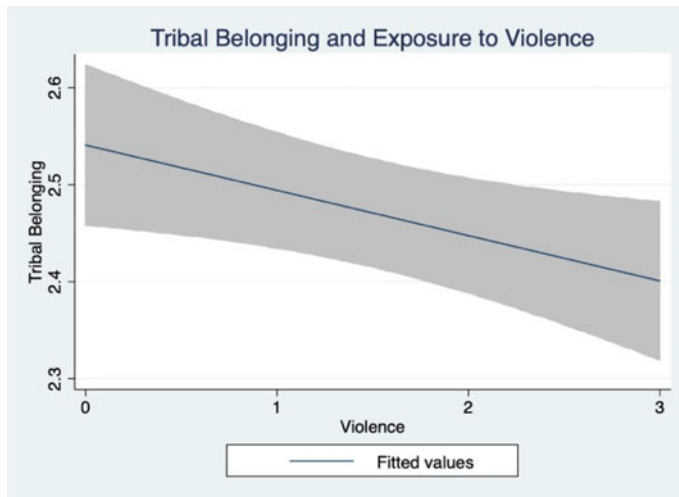


Fig. 2 Violence and tribal identity

⁶⁴ STJ, "Al-Raqqa: PYD's Forces Take Over 80 Homes," Syrian For Truth and Justice, 2020, <https://bit.ly/3nt1m5d>.

⁶⁵ Al-Quds, "Increase in Child Forced Conscription in PYD's Areas in Syria," Al-Quds AlAraby, 7 September 2020, <https://bit.ly/3byvkCD>.

people of Kobani claimed that their identity has changed since 2011, compared to 35 per cent in other regions in Al-Jazira region. This was due to the siege of Kobani and the consequences of the battles between ISIS and Kurdish forces between 2014 and 2015.⁶⁶

Discussion and Conclusion

Adherence to identity is a rational choice of people out of self-interest and collective behaviour to reduce uncertainty, especially during conflict.⁶⁷ Ethnic identity becomes more important in times of high risk and uncertainty. Northeastern Syria and Kurdish rebels serve as a contemporary case to examine the effect of service provision during conflict on identity. Kurdish forces claimed ethnic sovereignty and acted as if they were sovereign at the political, social, and military levels. In ethnic sovereignty, groups claim statehood but lack international recognition, economic resources, and regional integration.⁶⁸ In Northeastern Syria, external and internal legitimacy was also questionable due to the nature of the conflict and the presence of other ethnic groups. The continuing uncertainties in Syria and Kurdish self-rule complicate the question of how the future Syria will look, but it also complicates how we study the Kurdish identity amid their self-rule.

The ability to affect identity as a dynamic phenomenon is grounded in several factors, including service provision, leadership, and internal fragmentations. The North Eastern Syria region, with its troubling political history, has been under the control of Kurdish rebels since early 2012, when dozens of Kurdish political groups as well as Arab groups (beside tribes) were formed with the aim of influencing governance and the future of Al-Jazira (NE Syria). The history of Kurds in Syria has not involved a severe clash with Arabs in the region or a bloody clash with the

⁶⁶ Allsopp and van Wilgenburg.

⁶⁷ Henry E. Hale, *The Foundations of Ethnic Politics: Separatism of States and Nations in Eurasia and the World* (Cambridge: Cambridge University Press, 2008).

⁶⁸ Rick Fawn and Oliver P. Richmond, "De Facto States in the Balkans: Shared Governance versus Ethnic Sovereignty in Republika Srpska and Kosovo," *Journal of Intervention and Statebuilding* 3, no. 2 (2009): 205–238.

regime that affected the ability of the regime or Kurds to live with Arabs in the region. Although the history of Kurds in Syria shows a visible co-existence and possible “Syria for all,” the 2011 uprising provided hope for Kurds and other groups, including Arabs, to end authoritarian regimes in a multicultural and multi-ethnic society. However, local, regional, and international political factors have mobilised Kurds to be an administrative force, where their legitimacy, popularity, and capacity are affected by different factors. This paper examines how service provision (subject to violence) affects the sense of belonging.

Political identity in Syria is complex, with the weaponisation of ethnic identities a modern phenomenon intensified by the Syrian regime.⁶⁹ In the early months of the uprisings, three major players in Kurdish areas influenced Kurdish identity bas: the PYD, the Kurdish National Council (KNC), and the Union of Kurdistan Youth Committees in Syria.⁷⁰ The PYD established a parallel institution that provided services to the residents of Kurdish areas under their control. The People’s Council of Western Kurdistan was able to provide services to people from its establishment until the formation of the Autonomous Administration. They provided flour, gas, and fuel to people in remote areas, which boosted their popularity and paved the way to strengthen their Kurdish identity.⁷¹ The PYD and its controlled Autonomous Administration have created a project that challenges the sovereignty of Syria and the identity of the communities in Al-Jazira.⁷² It has created a sub-state or semi-state structure representing Kurdish nationhood/statehood. In early days of the conflict, 47 per cent of survey participants recognised a change in their identifications. This number seems to have increased by 2020.

Although many studies examine rebel governance and the structure of their organisations, few focus on the effect of rebel governance on peoples’ identity and their behaviour. These studies focus primarily on societies or rebels post-conflict. This paper examines the effect of rebel statehood of the Democratic Autonomous Administration (DAA) on

⁶⁹ Phillips, “Sectarianism and Conflict in Syria.”

⁷⁰ Rifai, 12–24.

⁷¹ Ibid.

⁷² Allsopp and van Wilgenburg.

sub-national identities, mainly tribal and ethnic identities. National and sub-national identities are being negotiated as part of the ongoing civil war in Syria. There is, however, a sign of change in the identity in areas under the control of the Autonomous Administration of NE Syria under the PYD.⁷³ This is based on how the de-facto governance body of PYD can impose its concept of citizenship where Kurdish identity is visible, at least in NE Syria.

This analysis suggests that Syrians under Kurdish Autonomous control, especially in Kurdish majority areas, are conscious of rebel statehood and that rebel statehood is associated with sub-national identities. The findings show that service provision influences both tribal and ethnic identities. Although the data indicate that service provision affects sub-national identities, these findings should be received carefully, as not all members of the community are in favour of rebel statehood or separation from the Syrian state. Knowing about the current political situation in Syria, fragmentation among the Kurdish forces has reinforced sub-national identities. In addition, the increase in Kurdish identity has not totally or strongly replaced the traditional regional or tribal identification.

Political parties, because of the fragmentation within Kurdish political groups, accommodate tribal configurations and use existing social networks, such as tribes and families, while presenting a new “Kurdish Identity” encapsulated within their respective political agendas.⁷⁴ Kurdish political parties have not completely abandoned traditional tribal leaders, since many of the political leaders relate to notable and extended Kurdish tribes. In many cases, parties adopted the tribes’ roles and reproduced the power relations of tribes within Kurdish communities.

By examining how tribal and ethnic identities are affected by rebel statehood, this paper suggests that education, age, and gender influence the strength of belonging or closeness to tribes or ethnicities. Age and

⁷³ Thomas McGee, “The Stateless Kurds of Syria Ethnic Identity and National I.D.,” *Tilburg Law Review* 19, no. 1–2 (2014): 171–181.

⁷⁴ Allsopp and van Wilgenburg.

level of education influence tribal identity, while status and gender have higher effect on the closeness to ethnic belonging (ethnic identity).

This analysis also suggests that exposure to violence has a positive effect on increasing sub-national identities, especially in areas that witnessed oppression and siege by ISIS. This means that such sub-national identities may persist in the aftermath of the conflict, which requires special attention by different stakeholders who focus on post-conflict reconstruction.

The general message of this chapter is that service provision influences the individual's sense of belonging and identity, as well as the level of violence that is faced by an individual. It also argues that service provision under rebels is influenced by leadership choices (both at the regime and rebel levels). In other words, ethnic polarisation and fragmentation in ethnically claimed sovereignty by rebels affect the type, quality, and quantity of services provided for civilians.

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The State in Idlib: Hay'at Tahrir al-Sham and Complexity Amid the Syrian Civil War

William Grant-Brook

Introduction

“Changing a ruler is a lot easier than changing an entire population.”¹

Hay'at Tahrir al-Sham chief Abu Mohammad al-Golani in an interview with US journalist Martin Smith.

Civil wars fragment state power, cracking government control, and presenting new actors with the opportunity to gain vast influence over some, or all, of a territory. Usual conceptions of civil wars have relied on a binary distinction between the government and those opposed to it,

¹ “Abu Mohammad al-Jolani: Military Leader, Hay'at Tahrir al-Sham,” by PBS Frontline, 1 and 14 February 2021, <https://to.pbs.org/3iax6eC>.

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the military versus rebel movements, the state versus non-state. However, over the course of a civil war, such non-state groups often seize control over local areas; in many cases, they look to “become” the state themselves, raising questions about approaches to understanding state power and what in fact constitutes the state.

Violent civil conflict creates such questions due to its transformational aspect. Though civil wars are usually seen as destroying the state, it is perhaps better to use Didier Péclard and Delphine Mechoulan’s argument that they “do not simply destroy political orders; they contribute to shaping and producing them.”² The progression and development of rebel groups during civil wars—as well as rebel governance of territory—highlights that the state is the terrain where certain political action takes place, where power is contested, and where networks of power and influence play out. It is formed not only by institutions but also by power relations, shaped by current balances and dynamics. These are not static but constantly in flux, particularly in fluid situations like civil wars.

The fragmentation of power during the Syrian civil war—various statelets claiming control of their respective areas—highlights that what is considered the state is not inherent but determined by who is in charge of the state terrain in any given area. It also raises questions about the very nature of a state during a civil war. This chapter will trace the development of one of the main beneficiaries of the fragmentation of government power in Syria: Hay’at Tahrir al-Sham (HTS), the rebel group controlling Idlib and surrounding areas in the north-west. Their case also raises the idea of the state not as an identifiable distinct entity but as an arena of political contestation. HTS is an illustrative example, developing from one of several groups, to among the most important actors in north-west Syria and finally to the de facto power in control of an arena of political contention that will in this chapter be called the state terrain. HTS is a great example of the complexity that evolves in such situations. Its development at times appears a mess of contradictions but is in reality a function of compromise and politics, shown prominently through their governance.

² Didier Péclard and Delphine Mechoulan, “Rebel Governance and the Politics of Civil War,” Swiss Peace Working Paper, 2015, p. 6. <https://bit.ly/3z0bgRJ>.

The first section of this chapter analyses conceptions of the state and of state power. It examines how “state” and “non-state” categorisations often undermine the complexity of civil war situations, before referencing important works covering interactions between rebel governance and state power. The next section traces the development of HTS since 2011, tracking the movement’s changes and highlighting how this can inform our understandings of state power. And the final section looks at aspects of HTS’s rule of Idlib, showing the contestation for control of state terrain, and how the group’s reliance on pre-existing (and also nascent) social networks and institutions to perform the functions of the state demonstrate that what we perceive to be the state is a formulation reliant on the power dynamics that exist in a territory.

Conceptions of State Power

Statist Approach

Understandings of how the state is affected by civil war have been constrained by approaches that have relied on a binary of state and non-state. This stems from, as Timothy Mitchell notes, the state having “always been difficult to define... its boundary with society appears elusive, porous and mobile.”³ Often theories have fallen into drawing the distinction between the two as a bold line. This approach, Mitchell argues, “always begin[s] from the assumption that the state is a distinct entity, opposed to and set apart from a larger entity called society,” yet “the line between the two is often uncertain.”⁴

The classic definition of a state comes from German sociologist Max Weber whose argument stated it was “the form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory.”⁵ This conception has formed the

³ Timothy Mitchell, “The Limits of the State: Beyond Statist Approaches and their Critics,” *The American Political Science Review* 85, no. 1 (1991): 77.

⁴ *Ibid.*, 89.

⁵ Max Weber, “Politics as a Vocation,” in *The Vocation Lectures*, eds. David S. Owen and Tracey B. Strong (Indianapolis: Hackett Publishing Company, 2004), 33.

basis of understandings of the state since Weber was writing in the early twentieth century. As noted by Bob Jessop:

Traditional general state theory identifies three main elements: (1) a clearly demarcated core territory under the more or less uncontested and continuous control of a state apparatus; (2) a political organized coercive, administrative, and symbolic apparatus with both general and specific power; and (3) a permanent or stable population on which the state's political authority and decisions are regarded, at least by that apparatus, if not those subject to it, as binding.⁶

Though influential, such definitions fail to capture the complexity of power relations, particularly in civil wars. The development of HTS will show both the limits of a conception that draws a strong distinction between state and non-state and that such categorisations might be inappropriate for trying to understand the fractured power dynamics within a civil war.

Violence

State power is also often tied up with violence. Charles Tilly considered national states to be “relatively centralized, differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territory.”⁷ But what constitutes the state is about more than solely the capacity and ability to use force, although this is certainly a key aspect. And, if violence is the defining factor, how do we understand armed groups such as HTS, actors with a large capacity for violence but often with varying levels of administrative control?

It is important here to consider the idea of a non-state armed group. There are few definitions of these groups that capture their varied

⁶ Bob Jessop, *The State: Past, Present, Future* (Cambridge: Cambridge University Press, 2016): 6.

⁷ Charles Tilly, “War Making and State Making as Organized Crime,” in *Bringing the State Back In*, eds. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985): 170.

essences and complexities, particularly as it is difficult to define exactly what is a non-state actor. As the name suggests, they are usually portrayed in opposition to an entity, with most conceptions focussing on those who have aspects of control or power outside the purview of what is considered the state. For example, the International Committee of the Red Cross's working definition of an armed non-state actor is "any armed group, distinct from and not operating under the control of, the state or states in which it carries out military operations, and which has political, religious, and/or military objectives."⁸ Similarly, Ana Arjona's definition is "all armed organizations that are not under the command of the state."⁹

A dichotomy of state/non-state may work in a stable situation in which a defined state structure exists and in which the power of the government is contested only through elections or other democratic means, and where "who" or "what" is in charge is clear. But these conceptions are weakened in cases such as civil wars, during which power is heavily contested, dynamics are more complex and fluid, and a range of actors proliferate, some of whom take on the functions of what would be considered the state, either permanently or for a period. This includes competing to take over the role and functions of governing a territory, with administrative, symbolic, and coercive power. Lina Khatib and Renad Mansour aptly establish that standard definitions of non-state actors "take for granted the neo-Weberian worldview" in which "any actors who hold political influence over a social base and who perform the duties of the state are still considered non-state under [the] rigid conceptualization."¹⁰

⁸ Annyssa Bellal, Gilles Giacca, and Stuart Casey-Maslen, "International law and armed non-state actors in Afghanistan," *International Review of the Red Cross* 93, no. 881 (2011): 2.

⁹ Ana Arjona, "Civilian Cooperation and Non-Cooperation with Non-State Armed Groups: The Centrality of Obedience and Resistance," *Small Wars and Insurgencies* 28, no. 4–6 (2017): 758.

¹⁰ Renad Mansour and Lina Khatib, "Where Is the 'State' in Iraq and Lebanon?" Chatham House, 21 April 2021, 7. <https://bit.ly/3kiPK6E>.

Networks of Power

Recent scholarship has begun to suggest a more versatile conception of the state and state power that sees it as an area of contestation. In their recent enlightening study of Iraq and Lebanon, Khatib and Mansour note that “in a practical sense, the state in some form is *very much* present in both countries,” though it may not appear so according to traditional state theory, “as state power is not vested principally in formal institutions.”¹¹ It is found “in horizontal power relationships among elements of the elite, in vertical power relationships between the elite and citizens, and in interactions between these two axes.”¹² For Khatib and Mansour, “the leader or group that maintains effective relationships both ‘horizontally’ and ‘vertically’ can be said to enjoy power in the state.”¹³ In the case of Idlib, this actor is (at present) HTS.

Khatib and Mansour propose “a reconsideration of any policy definition of state power that separates the state from society,” arguing “the state to be the political system within which actors compete for power” and “where power is not fixed and does not only exist in official institutions.”¹⁴ Such a conception offers a unique and fundamentally challenging way to approach the issue and dovetails nicely with Mitchell’s previous arguments on state and society. In this chapter, such a structure will be called the “state terrain,” the area of contestation where this power plays out, where it is manifested and fought over. For Mitchell “the elusiveness of the state-society boundary needs to be taken seriously, not as a problem of conceptual precision but as a clue to the nature of the phenomenon.”¹⁵ State power can be seen as what system and networks have control over this terrain of the contestation. As Mansour notes, the “neo-Weberian approach... is not an accurate reflection of power dynamics and nodal connectivity.”¹⁶ Therefore, an understanding that

¹¹ Ibid., 2.

¹² Ibid., 2.

¹³ Ibid., 2.

¹⁴ Ibid., 4–5.

¹⁵ Mitchell, “Limits of the State,” 78.

¹⁶ Renad Mansour, “Networks of Power: The Popular Mobilization Forces and the State in Iraq,” Chatham House, February 2021, 32. <https://bit.ly/3tbaMH0>.

focusses more on relations of power and influence and stresses their fluid nature, is perhaps better suited to situations of diffuse control that appear in civil wars, as seen in Syria.

Rebel Governance and State Power

It is also important here to note the massive growth in the study of rebel governance, and the interplay between rebel political arrangements and state power, which has advanced our understanding of the phenomenon of civil wars.

Compelling works addressing rebel governance and state power include Zachariah Mampilly and Megan Stewart's efforts to redress a lack of scholarship on aspects such as institution building. The authors demonstrate "the type of rebel political institutions within one location can change throughout the war, and variation sometimes emerges across territories the same rebel group controls."¹⁷ This has implications for HTS, as will be discussed later in the chapter. Other work includes Péclard and Mechoulán's study demonstrating that civil wars do not necessarily indicate state weakness but are part and parcel of state formation.¹⁸ Rebel actors should be seen not simply as military but "as political actors exerting power over civilian population," and conflict is "part and parcel of historical processes of state formation."¹⁹ Arjona's work suggests that armed groups "maintain local order on the basis of massive obedience and modest support,"²⁰ in which she also develops a typology of "different acts of cooperation and non-cooperation" combined by civilians, which will be illustrated when assessing responses to HTS's control in Idlib.²¹

How does the story of Idlib fit into this theoretical framework? As Jerome Drevon and Patrick Haenni show, "so-called jihadi governance

¹⁷ Zachariah Mampilly and Megan Stewart, "A Typology of Rebel Political Institutional Arrangements," *Journal of Conflict Resolution* 65, no. 1 (2021): 15.

¹⁸ Péclard and Mechoulán.

¹⁹ *Ibid.*, 6.

²⁰ Arjona, "Civilian Cooperation and Non-Cooperation", 760.

²¹ *Ibid.*, 763.

is too often understood through its violent features only,” and the excess focus on the security side obscures important aspects of political power and structure that such groups can illuminate.²² North-west Syria illustrates the shortcomings of our understandings about, and our overreliance on, the separateness of state and non-state, ignoring much of their shared nature. The changes of HTS from its founding until today highlight how actors’ relationships to the state terrain are rarely straightforward and are formed by changing power dynamics.

Development of HTS

The development of HTS raises the question of at what point a non-state actor would turn into a state and thus highlights the utility of seeing the state as a terrain of competition rather than through a rigid state/non-state prism. As Elizabeth Tsurkov notes, HTS “appears light-years away” from its roots of “late 2011 when a few dozen hardened jihadists crossed from Iraq into eastern Syria to establish Jabhat al-Nusra” (JaN, Front of the Supporters of the People of the Levant).²³ As it has grown, “HTS has been increasingly characterised by pragmatism stemming from its unyielding desire to survive, and to dominate north-western Syria,” to take control of the state terrain in the area.²⁴

Origins: 2011–2015

JaN emerged in 2011 when a group of senior jihadist commanders, including Syrian-born Abu Mohammad al-Golani, coordinated with the Islamic State of Iraq (ISI, at that point linked to al-Qaʿida) to travel

²² Jerome Drevon and Patrick Haenni, “The Consolidation of a (Post-Jihadi) Technocratic State-Let in Idlib,” POMEPS Studies 42: MENA’s Frozen Conflicts, November 2020. <https://bit.ly/3rat0qZ>.

²³ Elizabeth Tsurkov, “Hayat Tahrir al-Sham (Syria),” in *Guns and Governance: How Europe Should Talk with Non-State Armed Groups in the Middle East* (European Council on Foreign Relations, November 2020), <https://bit.ly/2TaLE5D>.

²⁴ Ibid.

from Iraq to establish a branch in Syria.²⁵ The group hoped to profit from Syria's increasing instability and to be a part of the opposition to the government of Syrian President Bashar al-Assad.²⁶ JaN publicly announced its establishment on 23 January 2012 in a video, uploaded onto al-Qa'ida-linked internet forums, that combined an Islamist vision for Syria's future with references to the traditional transnational jihad of al-Qa'ida.²⁷

From mid-2012, JaN drove the formation of what Charles Lister has called "local and regional alliances with mainstream armed opposition groups and other jihadist factions," bridging a divide between diverse rebels with "its military primacy on the battlefield"; most major opposition victories in Syria from late 2012 until mid-2015 were won in part because of JaN's role.²⁸ In this period of intense conflict, JaN began its crucial change from a transnational terrorist group to insurgent actor, driven by changing dynamics on the ground.²⁹

The group's civil component and attempted move to assume state responsibilities started early. During intense conflict over the city of Aleppo in 2012, JaN established the Department of Relief (Qism al-Ighatha); this was JaN's prototype rebel governance structure, the first attempt to provide services to civilians living in areas within their influence, including seizing bakeries and producing subsidised bread, as well as delivering heating gas, water, cleaning, and health care.³⁰ From this early stage, the group understood the importance of governance in rebel territory. According to Lister, the "efficiency and non-corrupt nature of Qism al-Ighatha's services" saw JaN grow popular with civilians.³¹ In the struggles of civil war, basic services helped establish legitimacy.

²⁵ Dareen Khalifa and Noah Bonsey, "In Syria's Idlib, Washington's Chance to Reimagine Counter-Terrorism," International Crisis Group, 3 February 2021, <https://bit.ly/3IKnVxN>.

²⁶ Charles Lister, "Profiling Jabhat al-Nusra," The Brookings Project on U.S. Relations with the Islamic World, Analysis Paper, No. 24, July 2016, 5. <https://brook.gs/3IOqZsK>.

²⁷ Ibid., 10.

²⁸ Charles Lister, "The Syria Effect: Al-Qaeda Fractures," Hudson Institute, 11 December 2019, <https://bit.ly/3yX8nRT>.

²⁹ Lister, "Profiling Jabhat al-Nusra," 11.

³⁰ Ibid., 11–12.

³¹ Ibid., 11.

The group had embedded itself in the broader Syrian insurgency for the first years of the civil war.³² But JaN's military prowess and provision of services hid tensions between it and other anti-government forces. It was unwilling to compromise politically, according to Sam Heller, particularly due to "its stubborn refusal to renounce its allegiance to al-Qa'ida."³³ Although JaN had publicly split from ISI in 2013—the latter had threatened Syrian opposition leaders and the former were in any case more locally rooted and focussed on the singular task of removing Assad from power—Golani had instead pledged loyalty to al-Qa'ida leader Ayman al-Zawahiri.³⁴ As Lister notes, "the al-Qa'ida name and the distrust it continued to engender among Jabhat al-Nusra's diverse military partners," was the core obstacle to a unified Islamist front against Assad.³⁵ HTS religious figure Abderrahim Atun later confirmed that at that time the connection with al-Qa'ida "became an obstacle to the union of the opposition."³⁶ This would then drive the major decision in their development.

Split with al-Qa'ida: 2016–2017

Arguably the most influential decision taken by JaN's leaders came as a result of global dynamics. With ISI at this point Islamic State in Iraq and Syria (ISIS) and causing havoc in both countries, international attention shifted to combat the movement and by association any group deemed Salafi jihadi and seen as a transnational threat. Spurred in part by an agreement between the US and Russia to step up intelligence and military coordination to target JaN, on 28 July 2016 Golani announced the

³² Sam Heller, "The Strategic Logic of Hayat Tahrir al-Sham," *Perspective on Terrorism* 11, no. 6 (2017): 140.

³³ *Ibid.*, 140.

³⁴ Khalifa and Bonsey; Lister, "Profiling Jabhat al-Nusra," 12–13; "James Jeffrey: Former U.S. Ambassador to Iraq and Turkey," published by PBS Frontline, 8 March 2021, <https://to.pbs.org/2UMtXcO>.

³⁵ Lister, "The Syria Effect."

³⁶ Jerome Drevon and Patrick Haenni, "How Global Jihad Relocalises and Where It Leads: The Case of HTS, the Former AQ Franchise in Syria," European University Institute, Working Papers, RSC 2021/08, January 2021, 3. <https://bit.ly/3hBgqxM>.

group was dissolving and forming “Jabhat Fateh al-Sham” (JFS, Front for the Conquest of the Levant), implying the group had broken its formal organisational link with al-Qaʿida.³⁷ Golani said he hoped to “strive to bridge the gaps” between them and other groups and noted international attacks on Syrian opposition groups due to JaN’s links to al-Qaʿida; JFS was therefore formed with the express acknowledgement that “this organisation has no affiliation to any external entity.”³⁸ Golani also expressly referred to rebel governance in noting the importance of “attending to [the population’s] daily needs” and easing “their hardship in every possible way.”³⁹ A senior HTS figure described it to International Crisis Group:

We prioritised the Syrian revolution over international jihad. This is a decision that did not appeal to top al-Qaʿida figures, but it is both irreversible and necessary to maintain alliances with groups that would have not agreed to work under the banner of al-Qaʿida.⁴⁰

The shift caused sharp divisions within the movement, sowed the seeds of future disputes with al-Qaʿida and violence against al-Qaʿida factions, and led to several ultimately unsuccessful reconciliation attempts by figures opposed to the group’s apparent turn to pragmatism in order to progress.⁴¹ More importantly to the story of Idlib, it was a foundational moment in the change of (what would become) HTS as well as its approach and attitude.

³⁷ Sam Heller, “Al Qaeda Quits Syria in Name Only,” The Century Foundation, 29 July 2016, <https://bit.ly/2UMC5dk>; Heller, “Strategic Logic,” 140.

³⁸ “Al-Nusra Leader Jolani Announces Split from al-Qaeda,” Al Jazeera, 29 July 2016, <https://bit.ly/3yVzOLR>.

³⁹ Ibid.

⁴⁰ “Silencing the Guns in Syria’s Idlib,” International Crisis Group, Middle East and North Africa Report No. 213, 14 May 2020, 19, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/213-silencing-guns-syrias-idlib>.

⁴¹ Orwa Ajjoub, “limadha anqalab aljawlani ealaa alqaeidati?” “لماذا انقلب الجولاني على القاعدة؟” [Why Did al-Julani Turn Against al-Qaʿida?], Akhbar Al Aan, 24 October 2021, <https://bit.ly/3sK7Su2>.

Consolidation: 2017 Onwards

The fall of rebel-held eastern Aleppo in December 2016 ushered in a profound crisis among the Syrian opposition.⁴² The loss of such vital, symbolic territory pushed ideas of consolidation of opposition factions to the fore. In these years, HTS's growth was, as Heller notes, not simply a "play for factional dominance and narrow, private gains" but rather "a case for insurgent unification in terms of the survival and strategic success of Syria's revolutionary movement."⁴³ Both the crisis and consolidation attempts led to an escalation of tensions between different opposition factions.

After one such escalation in January 2017, when the group forced the withdrawal of moderate faction Jaish al-Mujahideen, JFS leaders called for a "unified Sunni entity politically and military."⁴⁴ Days later this entity was created: on 28 January 2017 JFS, Nour al-Din Zinki, Liwa al-Hawaw, Ansar al-Din Front, and Jaish al-Sunna announced the formation of Hay'at Tahrir al-Sham (Organisation for the Liberation of the Levant).⁴⁵ They were joined by splinters of Ahrar al-Sham as well as individuals who had left the mainstream opposition and Islamist movements.⁴⁶ With the formation of HTS, the group moved to take charge of the state terrain in north-west Syria.

At this point, control of this terrain in Idlib was largely contested by two main factions: HTS and Ahrar al-Sham. In July 2017, tensions came

⁴² Aron Lund, "The Jihadi Spiral," Diwan, Carnegie Middle East Center, 8 February 2017, <https://bit.ly/3kgbtML>.

⁴³ Heller, "Strategic Logic," 139.

⁴⁴ "Fateh al-Sham Takes Full Control of Jaish al-Mujahideen Bases," Zaman al Wasl, 25 January 2017, <https://bit.ly/3xS3Pfe>; "jabhat fath alshaam tasdur 'awal taeliq mundh alqital mae jaysh almujahidin watadeu likian suniyyin" "جبهة فتح الشام تصدر أول تعليق منذ القتال مع جيش المجاهدين وتدعو لكيان سني" [Jabhat Fateh al-Sham Issues the First Comment Since the Fighting with the Mujahideen Army and Calls for a Sunni Entity], Eldorar, 24 January 2017, <https://bit.ly/2UatK3l>.

⁴⁵ "takydan lima nasharath aldarar alshaamiatu.. eidaat fasayil 'abrazuha fath alshaam walzinkiu yuelininun aliaiindimaj" "تأكيداً لما نشرته الدرر الشامية.. عدة فصائل أبرزها فتح الشام والزنكي يعلنون الاندماج" [In Confirmation of What Was Published by Al-Durar Al-Shamiya, Several Factions, Most Notably Fateh Al-Sham and Al-Zinki, Announce the Merger], Eldorar, 28 January 2017, <https://bit.ly/3AVbGuy>.

⁴⁶ Lund, "The Jihadi Spiral;" Sam Heller, "Syria's Former al-Qaeda Affiliate Is Leading Rebels on a Suicide Mission," The Century Foundation, 1 March 2017, <https://bit.ly/3yRuetQ>.

to a head, as a small clash escalated into a province-wide confrontation between the two factions that saw Ahrar al-Sham collapsing in a matter of days.⁴⁷ The movement's leadership signed an agreement many perceived to be a surrender, its loss taking many by surprise due to its larger number of fighters and better weaponry than HTS, as well as its strong links to local communities.⁴⁸ HTS's dominant position following the surrender, both militarily and in terms of balance of power, allowed the group to take over the functions of state power (or perhaps forced them into such a position). The group in November 2017 endorsed the establishment of the Syrian Salvation Government (SSG) to oversee day-to-day affairs.⁴⁹

Further consolidation occurred through HTS's crackdown on previous allies; in January 2019, HTS expelled Zinki and imposed its terms on other groups, in particular their acceptance of the civilian authority backed by HTS.⁵⁰ Raids against groups, including Ansar al-Islam and al-Qa'ida-affiliated Hurras al-Din (HaD), continued into 2021 and 2022, while other smaller groups such as Jund al-Sham and Jund Allah were placed under pressure to submit to the group or leave the area.⁵¹ As Tsurkov notes, it was "through these rounds of fratricidal fighting, [that] HTS came to dominate Idlib."⁵²

The campaigns against former allies as part of "counter-terrorism" campaigns have been among the more startling HTS-related developments. Not only have they alluded to transformations in the group's

⁴⁷ Heller, "Strategic Logic," 142.

⁴⁸ Ahmed Abazid, "كيف انهارت حركة احرار الشام؟" [How Did the Ahrar al-Sham Movement Collapse?], *Syrianoor*, 9 August 2017, <https://bit.ly/3hAn4V8>.

⁴⁹ "Silencing the Guns," 21.

⁵⁰ Drevon and Haenni, 4.

⁵¹ "mjddaan 'tahriri- alshaami" tulahiḡ muearidiha wataetaḡil ḡiadat min jinsiaat mukhtalifat bi'idlib" ["تحرير - الشام" تلاحق معارضتها وتعتقل قيادات من جنسيات مختلفة بإدلب مجدداً"] [Once Again, 'Tahrir al-Sham' Pursues Its Opponents and Arrests Leaders of Different Nationalities in Idlib], *Shaaam Network*, 7 April 2021, <https://bit.ly/3kjLy6W>; Sultan al-Kanj, "Syrian Jihadist Group Ramps Up Efforts to Oust Rivals from Idlib", *Al-Monitor*, 2 July 2021, <https://bit.ly/3r7fPqO>; Fayiz Algham, "'jand allah' wa 'alashishani'.. dawafie 'tahrir alshaami' lilhujum calaa 'aeda' rusia altaḡliidiyn" ["جند الله" و"الشيشاني".. دوافع "تحرير الشام" للهجوم على أعداء روسيا التقليديين"] ["Soldiers of God' and 'the Chechen'... Motives for 'Tahrir al-Sham' to Attack Russia's Traditional Enemies], *Syria TV*, 26 October 2021, <https://bit.ly/3v1e96j>.

⁵² Tsurkov.

outlook, they have also strengthened their hold over the state terrain. This consolidation was aided by international dynamics. As Drevon and Haenni note, the changes “occurred against the backdrop of a progressive freezing of the [Syrian civil war] ...a precarious truce [that] has re-structured the political space in rebel-held areas” since a March 2020 Russian-Turkish ceasefire agreement.⁵³ This has allowed HTS to concentrate on consolidating internally in Idlib in terms of both political and physical control.⁵⁴ The calm created by the March 2020 ceasefire has provided space and incentives for HTS to intensify its crackdown on transnational jihadists, giving HTS the opportunity to prove itself as the state power.⁵⁵

Impact on HTS Outlook

Contrary to initial predictions, the change from JaN to JFS and now to HTS has heralded a fundamental shift. In an early recording in 2014, Golani set out his consciously separate, hard-line plan for JaN, saying that “we will not be able to meet with” other factions “in any interest at this time because they are contradictory projects.”⁵⁶ This shifted due to the demands of survival; as Lister notes, the “pursuit of self-preservation catalyzed [HTS’s] eventual exit from the global movement [of transnational jihad] and evolution into something altogether new.”⁵⁷

That “something new” stands in distinct contrast to al-Qa’ida’s transnational jihadism, with HTS focussed mainly on local issues and control, including civil issues, in its corner of Syria. As one of its

⁵³ Drevon and Haenni, 1.

⁵⁴ Aaron Zelin, “Jihadi Movements 2021: ISIS, al Qaeda and Hayat Tahrir al Sham,” Wilson Center, 17 March 2022, <https://bit.ly/3ehLC3k>.

⁵⁵ Khalifa and Bonsey.

⁵⁶ “qira’at siyasia» tafrigh alliqat al’sawti al’awal mae alshaykh ‘abi muhamad aljawlani” “الشيخ أبي محمد الجولاني يفرغ اللقاء الصوتي الأول مع [Political Readings] The Transcription of the First Audio Interview with Sheikh Abi Muhammad Al-Jolani], Research Services Group, 5 November 2014, <https://bit.ly/3wEFIVA>.

⁵⁷ Charles Lister, “Twenty Years After 9/11: The Fight for Supremacy in Northwest Syria and the Implications for Global Jihad,” *CTC Sentinel* 14, no. 7 (September 2021): 44.

first moves to differentiate itself from its former affiliations, HTS co-opted the language of revolution. Zelin notes that the group previously viewed “the rhetoric and aims of the revolution as an illegitimate nationalist substitute for their rightful jihad,” but now revolution-focussed messaging “has become a key part of the HTS lexicon.”⁵⁸ In an interview with American television channel PBS, Golani spoke constantly about the Syrian revolution and portrayed HTS as its protector and defender.⁵⁹ In addition having previously been al-Qaʿida affiliated, HTS are now depriving the group of Syrian territory for the first time since the civil war began. For al-Qaʿida, as Lister argues, “its former affiliate is now its local conquer.”⁶⁰ Proclamations that al-Qaʿida linked groups such HaD are finished as a force in the region may be premature; but the trend is towards their growing demise, with Orwa Ajjoub describing their current presence in Idlib as “insignificant.”⁶¹

Hegemony

Peter Krause’s theory on insurgents’ prospects applies to Idlib, as “hegemonic national movements with one significant group are more likely to be strategically successful” than those with multiple factions; hegemony improves “coherence in strategy, clarity in signalling, and credibility in threats and assurances.”⁶² HTS has become more hegemonic pushing into governance or, as HTS labels it, “the institutionalisation of the revolution”; this deprives more moderate alternatives, including Ahrar al-Sham and former Free Syrian Army factions, as well as more radical ones,

⁵⁸ Aaron Zelin, “From Global Jihad to Local Regime: HTS Builds Different Forms of Legitimacy,” The Washington Institute for Near East Policy, 6 August 2021, <https://bit.ly/35vo2yl>.

⁵⁹ “Jolani,” PBS Frontline.

⁶⁰ Lister, “Twenty Years After 9/11,” 44.

⁶¹ Orwa Ajjoub, “HTS Is Not al-Qaeda, but It Is Still an Authoritarian Regime to Be Reckoned with,” Middle East Institute, 24 June 2021, <https://bit.ly/2VypOcW>; Khaled al-Khateb, “Is al-Qaeda Affiliate in Syria’s Idlib on Its Way to Demise?” Al-Monitor, 11 April 2021, <https://bit.ly/3z2NdSx>.

⁶² Peter Krause, “The Structure of Success: How the Internal Distribution of Power Drives Armed Group Behaviour and National Movement Effectiveness,” *International Security* 38, no. 3 (Winter 2013/14): 74.

like HaD, of any capacity for territorial control in Idlib, for example control over checkpoints, courts of law, and local councils.⁶³

Krause's ideas about hegemony (and the lack of it) reveal aspects crucial for our understanding of state power. HTS was not always destined to be the largest, most successful rebel group in Idlib—many thought Ahrar al-Sham might be⁶⁴—which helps to illustrate how our understanding of state power is shaped by current power dynamics; any of the various rebel groups could have become “the power”; therefore the state was not something unique in itself but an area, terrain, unit, or constellation of power which was contested. HTS's assumption of control of that terrain was not predestined. Although the story of HTS is unique in Syria, its relation to state power and the possibility of taking it over is not. Had Ahrar al-Sham taken over, we would have seen a different form of rebel governance and would be discussing that group, not HTS, as the genesis of state power in Idlib. It is therefore crucial to push conceptions of the state which fully acknowledge networks and relations of power.

Conclusions for State Power

The development and change of HTS from an al-Qaʿida and ISI affiliate and one small part of a broader Syrian insurgency, to one of a few groups contesting power in north-west Syria and finally to the actor in de facto control highlights that the state itself is an area of contestation for political actors. Whatever the terminology for HTS in its current guise, it is clear it exists in the grey space between a group of armed fighters and a fully fledged internationally recognised government.

Although rebel groups illustrate how this state/non-state divide fails to cover the full gamut of power relations, the groups themselves, once dominant in a territory, often play into this narrative to make themselves appear to be *the state*: the all-encompassing government that is present in the lives of citizens, not something contestable but an essentialised entity carrying wide-ranging authority. As will be seen in the next section

⁶³ Drevon and Haenni, 20.

⁶⁴ Abazid.

dealing with aspects of HTS rule, the changes that HTS made point to an attempt to show its place as rightfully in charge. But a deeper look at their governance reveals that such an assessment does not capture the full complexity of dynamics. HTS's control of Idlib is based on interactions with social networks and existing institutions as well as with everyday civilians. It is these power relations that help shape the state terrain.

Aspects of HTS Rule

By examining various aspects of HTS's rule in Idlib, a notion such as the state terrain proves useful, seeing it as an area of political contestation that is shaped by power dynamics. The functions of the state in Idlib are taken on by an array of actors, with these networks functioning as what otherwise would be considered the state. As James Worrall notes, "insurgents who wish to govern must engage with other forms of power and other powerbrokers," and therefore "rebels shape and are shaped by existing forms of order in complex and ongoing ways."⁶⁵ HTS offers the perfect example to fit Worrall's assessment, as although it appears to be fully dominant, it is in fact one of many different actors contesting and negotiating different forms of power in Idlib, though it is certainly the most prominent. As Worrall emphasises, the key is to focus on an "analytical framework which centres on the interactions of power, legitimacy, authority and culture" and on "the processes by which rebel movements continually adapt in their attempts to cement their control...[as] they shape, try to shape and are shaped by existing social structures."⁶⁶ It is through HTS's rule that the utility of a framework that sees the state as a manifestation of political power and a place in which dynamics take place becomes apparent.

⁶⁵ James Worrall, "(Re-)emergent Orders: Understanding the Negotiation(s) of Rebel Governance," *Small Wars and Insurgencies* 28, no. 4–5 (2017): 710.

⁶⁶ *Ibid.*, 710.

Syrian Salvation Government

The complexity of power dynamics in civil wars is particularly evident when regarding the body that is seen as the governance side of Idlib, the Syrian Salvation Government (SSG), established in November 2017. The important aspect of the body is that it functions as the legitimising, almost government-like representation: the formalisation of HTS's control that embodies its change from transnationally focussed to locally rooted.⁶⁷ After HTS captured control of Idlib, the SSG seized government functions previously carried out by an array of factions. Formalised power was shown with its 2017 founding with ten ministries with at least nominal control and power; Interior, Justice, Endowments, Education, Higher Education, Health, Local Administration and Services, Economy and Resources, Development and Humanitarian Affairs, and Agriculture.⁶⁸

The tactic of providing services as part of control of the state terrain is a feature of rebel governance. Inclusive service provision by rebel groups, defined by Stewart as expanding provision beyond “active or likely supporters,” is performative, “mirror[ing] the state’s provision of public welfare goods and demonstrat[ing] a rebel group’s economic viability and capacity to behave as an independent state,” irrespective of the support of all of the population.⁶⁹ The performative aspect is key, with HTS’s governance showing its attempts to establish viability as the actor in control of the state terrain.

The extent of the links between the evidently connected HTS and SSG is, by design, not always clear. Aaron Zelin and Oula Alrifai describe the SSG as “the civilian front” of HTS, which perhaps underplays the agency of the SSG but does show their close integration into HTS.⁷⁰ Others see the SSG as an alliance of opposition remnants and HTS,

⁶⁷ Drevon and Haenni, 5.

⁶⁸ Nisreen Alzarrae and Karam Shaar, “The Economics of Hayat Tahrir al-Sham,” Operations and Policy Centre, 21 June 2021, <https://bit.ly/3hG2hPb>.

⁶⁹ Megan Stewart, “Civil War as State-Making: Strategic Governance in Civil War,” *International Organization* 72, no. 1 (2018): 206 and 211.

⁷⁰ Aaron Zelin and Oula Alrifai, “Syria’s Three Governments Confront the Coronavirus,” The Washington Institute for Near East Policy, 1 April 2020, <https://bit.ly/36DmC1Y>.

pushed together by necessity rather than ideology, and staffed mainly by technocrats who come from diverse Islamist backgrounds, some having a degree of autonomy from HTS while others follow its lead.⁷¹ Golani's own summation of the HTS-SSG relationship illustrates the complexity: "You can't say we control it, and I can't say we have nothing to do with it."⁷²

Drevon and Haenni's study of HTS is instrumental in understanding the convolutedness of the relationship between HTS and the SSG and how what is considered the state is formed by power relations. They argue that while HTS played a "leading role in the establishment of the SSG... the organisation does not embrace a logic of micro-management and daily control."⁷³ This means that "the SSG participates in HTS' power strategy but cannot be considered an offshoot of the management of HTS or its civil branch."⁷⁴ Therefore again the state is an area of contestation and of power relations.

The complexity of interactions between governance and the state terrain is demonstrated by the course of administration in Idlib before the SSG came into being. Drevon and Haenni note that "Idlib was administered by contending authorities before 2017," with local governance and control consisting of "a combination of local councils, independent organisations, and armed groups' infrastructures," all vying with one another for primacy, "a patchwork of mini-kingdoms ruled by local groups and factions."⁷⁵ This contestation to be the dominant figure over the state terrain continued until HTS became the hegemon in the area.

Edoardo Corradi, in his study of ISIS's rebel governance in Syria and Iraq included in this collection, demonstrates how levels of rebel governance can fluctuate over time, shaped by different external and internal variables.⁷⁶ The same is true in Idlib. Rebel governance is evidently a

⁷¹ "Silencing the Guns," 21.

⁷² Dareen Khalifa, "The Jihadist Factor in Syria's Idlib: A Conversation with Abu Muhammad al-Jolani," International Crisis Group, 20 February 2020, <https://bit.ly/3pETL7u>.

⁷³ Drevon and Haenni, 7.

⁷⁴ Ibid., 8.

⁷⁵ Ibid.

⁷⁶ Edoardo Corradi, "The Propagandistic Use of Rebel Governance: The Case of the Islamic State in Syria and Iraq", in this collection.

contested matter, and this points to how the debate and fight is over state terrain, not a simple distinction between who or what is the state. Further work on the array of governance forms in the pre-HTS hegemonic period would help illustrate this dynamic.

Control of Area

The picture becomes more complicated when assessing *how* HTS maintains control of Idlib. As numerous rebel groups do in civil wars, HTS works alongside local communities and changes its tactics to suit local dynamics. Here we return to Mampilly and Stewart's point that "the type of rebel political institutions within one location can change throughout the war, and variation sometimes emerges across territories the same rebel group controls."⁷⁷ In Idlib, HTS follows an approach based on outsourcing and delegation, integrating with local elites, and adapting its approach to the local balance of power by mixing co-optation, repression, and localised agreements.⁷⁸ Golani himself has talked about the importance of working with whatever local tribes have influence in a particular area, cooperating with them for control of the state terrain.⁷⁹

Ayman al-Dassouky's informative study of jihadi local governance in Syria showed that, "informed by the experiences of other jihadi groups.... [HTS's] approach combines positive and negative reinforcement measures, in order to secure support from the local community, through a perceived flexible administrative structure that can adapt as the situation in Syria changes."⁸⁰ Although the interpretation of rebel governance is often of one power supplanting another and of civilians following whoever is in charge, the situation is rarely so clear. As Arjona has shown, although much work assumes that "the only alternative to collaborating is either not doing so or collaborating with the rival side

⁷⁷ Mampilly and Stewart, 15.

⁷⁸ Ibid., 1–6.

⁷⁹ Hassan Hassan, Twitter Post, 17 May 2021, <https://twitter.com/hxhassan/status/1394360324187377669>; Mohammed Hardan, "HTS Finesses Tribes in Syria's Idlib," Al-Monitor, 26 May 2021, <https://bit.ly/3xHpF55>.

⁸⁰ Ayman al-Dassouky, "The Role of Jihadi Movements in Syrian Local Governance," Omran Center for Strategic Studies, 14 July 2017, 15. <https://bit.ly/2VJqBrJ>.

... civilians are seldom confronted by these simple dichotomies.”⁸¹ Rebel governance is more about accommodations and compromises made between varied actors than top-down rule.

Others agree with this conceptualisation that shows that state power in Idlib is formed by relationships and balances of power. For Drevon and Haenni, “the SSG is the product of an encounter between a revolutionary Islamist movement forced to engage in the field of governance while lacking expertise and a pious middle class which benefits from a partial delegation of authority to be involved in local governance.”⁸² This is indicative of how state power is formed by power relations, and how these often shift and fluctuate. HTS could not run the territory of Idlib without the consent of parts of the local elite, and without sharing the workload with them. Thus, a binary distinction between state and non-state does not fully explain the power dynamics; the state is a terrain to have control over, hence the outsourcing of services and “state” work done by what would normally be considered non-government actors.

Violence

In the classic Weberian definition of the state and its “monopoly on violence,” HTS largely meets the conditions. Golani has described moves against more hard-line groups as “security campaigns,” echoing the language of governments around the world.⁸³ However, control of the state terrain in civil wars is contested, and such a situation remains the case in Idlib.

Much of the kinetic challenge has come from former allies. In January 2018, a statement by al-Qaʿida’s General Leadership publicly declared for the first time that al-Qaʿida’s presence in Syria was distinct from HTS.⁸⁴ The following month, a network of al-Qaʿida veterans and those who

⁸¹ Arjona, “Civilian Cooperation and Non-Cooperation,” 756.

⁸² Drevon and Haenni, 8.

⁸³ Priyanka Boghani, “Syrian Militant and Former Al Qaeda Leader Seeks Wider Acceptance in First Interview With U.S. Journalist,” PBS Frontline, 2 April 2021, <https://to.pbs.org/3Bc97Vl>.

⁸⁴ Lister, “Twenty Years After 9/11,” 52.

disagreed with HTS's split from global jihad formed HaD.⁸⁵ HaD has formed various alliances or operations rooms to challenge HTS dominance with a range of other hard-line factions.⁸⁶ But HTS has launched security campaigns against them that continue into 2022, including arresting at least 65 HaD members in the two years leading up to February 2022.⁸⁷ Other groups have suffered the same fate, such as Sham al-Islam and Jund Allah.⁸⁸ HTS in June 2020 issued a statement centralising power in its hands by saying that "whoever wants to contribute to the military field, the doors are open for him to do so through" the group.⁸⁹ Whether consciously or not, such statements appeal to Weberian definitions of the state as the authority with the monopoly on the legitimate use of force in a given area.

On the point of violence and subsuming other actors, Tilly argues "the distinctions between 'legitimate' and 'illegitimate' users of violence [becomes] clear only very slowly, in the process during which the state's armed forces became relatively unified and permanent," describing a process of disarmament and subsuming other armed actors that would be recognisable to both HTS, and the other factions such as HaD that were on the receiving end of these campaigns.⁹⁰ This process also shows how understandings of who is in charge of state terrain are shaped by power dynamics, and that these shift and fluctuate. Various groups continue to reject HTS's position in Idlib, highlighting the contested nature of control of the state terrain. It is also not only armed factions who reject HTS's (relative) moderation efforts. Parts of the population highlight its authoritarian tendencies, corruption, and repression of independent

⁸⁵ Ibid., 47.

⁸⁶ Ibid., 53–54.

⁸⁷ Mohamed Karkas, "'tahrir alshaami' aietaqalat qiadat min 'hraas aldiyn' qabl maqatl zaeim 'da'ish' shmaly 'iidlib'" ["'Tahrir al-Sham' Arrested Leaders of 'Guardians of Religion' Before the Killing of the Leader of 'ISIS' North of Idlib"], Alaraby, 3 February 2022, <https://bit.ly/35bcCQi>.

⁸⁸ Humam Issa, Twitter Post, 2 February 2022, https://twitter.com/humam_isa/status/1488871705426735118.

⁸⁹ "tahrir alshaam tamnae 'iinsha' 'ayi ghurfat eamaliaat easkariat kharij 'iitar 'alfath almubina'" ["إنشاء أي غرفة عمليات عسكرية خارج إطار 'الفتح المبين' تحرير الشام تمنع"] [Tahrir al-Sham Prevents the Establishment of Any Military Operations Room Outside the Framework of 'Al-Fateh Al-Mubeen'], Shaam Network, 26 June 2020, <https://bit.ly/3xG1EeV>.

⁹⁰ Tilly, 173.

structures.⁹¹ Further studies into opposition to HTS would be useful to show the challenge for control over the terrain of the state.

Economics

Examining the financial system in Idlib also illustrates that control of the state terrain is constantly negotiated. Nisreen Alzaræe and Karam Shaar of the Operations and Policy Center have shown how HTS gradually took over economic functions in Idlib, including money exchanges, banking, borders, hydrocarbons, zakat (religious alms), internet, telecommunications, construction, and property, all through various departments and bodies.⁹² Many of these structures had an intentional “ambiguity,” allowing them to “adapt laws and decrees to benefit them and their affiliates at any given moment” and obfuscating the networks of power behind them.⁹³ The assumption of such operations “shifted the focus of the group and its leaders into generating sustainable streams of revenue beyond donations, looting, war spoils, ransoms, and enforcing zakat on the public,” as they changed from being an armed group to the actor in control of the state terrain which has to finance governance.⁹⁴

Despite its evidently increased financial power, the validity of the state terrain framework is shown by the fact such control is not complete. As Alzaræe and Shaar emphasise, “HTS control over north-west Syria’s economy is still a work in progress and is not restricted to certain sectors or areas.”⁹⁵ It is also contested, with opposition to HTS’s economic domination of the region revealing itself through protests.⁹⁶ Overall,

⁹¹ Orwa Ajjoub “HTS Is Not al-Qaeda, but It Is Still an Authoritarian Regime to Be Reckoned with,” Middle East Institute, 24 June 2021, <https://bit.ly/2VypOcW>; Absi Smeisem, “hayyat tahrir alshaami’... hukm alzalamia”, “هبة تحرير الشام... حكم الظلامية” [‘Hay’at Tahrir al-Sham’... the Rule of Obscurantism], Alaraby, 17 June 2021, <https://bit.ly/3AZpqEF>; Drevon and Haenni, 6.

⁹² Alzaræe and Shaar.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Khaled al-Khateb, “How Syrian Jihadi Group Is Laundering Money in Idlib,” Al-Monitor, 7 August 2021, <https://bit.ly/3BIQyZu>.

economics is a key aspect through which the idea of the terrain of the state becomes clearer; despite the existence of official bodies, actual economic power lies in “an extensive network of partners and associates controlling most aspects of trade and economic activity in Idlib,” as Alzaree and Shaar demonstrate.⁹⁷

Education

Education is another area that demonstrates the negotiations and contestations of power that form governance in Idlib and how HTS's level of control fluctuates. The education directorate of the SSG notes they work with “partners in the field of education,” as well as civil society in facilitating education, including discussing visions for how to approach schooling.⁹⁸ However, these relations of power are often tense. Schooling is largely funded by foreign organisations—with the levels of aid volatile—or run by unpaid volunteers.⁹⁹ Thousands of teachers work in Idlib without wages, which has led to strikes and demonstrations by teachers, students, and activists.¹⁰⁰

HTS has attempted to dominate education in the province, with varied success. The SSG forced colleges and institutes linked to the “Free Aleppo University” to stop their work in Idlib governorate in 2019, imposing control over after HTS arrested several university officials.¹⁰¹ In a further sign of contestation, HTS has been promoting religious schools which reports claim are partly funded through border taxes that are dubbed “education fees.”¹⁰² Private schools also exist, with some

⁹⁷ Alzaree and Shaar.

⁹⁸ Abdullah al-Bashir, “madaris 'iidiliba... tafawul wast tahdirat 'afdal” “مدارس إدلب... تفاؤل وسط تحذيرات أفضل” [Idlib Schools...Optimism Amid Better Preparations], Alaraby, 2 September 2021, <https://bit.ly/3xzm1QF>.

⁹⁹ Lister, “Twenty Years After 9/11,” 50.

¹⁰⁰ Alaa Nassar, “‘We Cannot Go On’: Unpaid Teachers on Strike for ‘Dignity’ in Idlib Province,” Syria Direct, 16 February 2022, <https://bit.ly/3jS4Crn>.

¹⁰¹ “qitae altaelim yanhar fi 'iidiliba.. tueraf ealaa al'asbab walnatayij” “والنتائج قطاع التعليم ينهار في إدلب.. تعرف على الأسباب” [The Education Sector Is Collapsing in Idlib..Know the Causes and Results], SY-24, 21 May 2020, <https://bit.ly/3xDWRNW>.

¹⁰² Mohammed Hardan, “Jihadist Group Seeks Influence in Syria's Idlib via Religious Schools,” Al-Monitor, 9 February 2022, <https://bit.ly/3Okh1eZ>.

activists saying the SSG pushes students towards these schools rather than public ones as it leverages licencing fees on each private establishment.¹⁰³ However, the presence of thousands of unsalaried, striking teachers demonstrates that education is an aspect of governance that HTS has been unable to fully control.

Covid

The COVID-19 pandemic demonstrated the extent to which HTS dominates the local area and acts as the power in control of the region. Perhaps more crucially, it illustrates how the dynamics of control of the state terrain are changeable, with HTS using COVID as an opportunity to further assert itself. Before the pandemic, Idlib had poor health infrastructure and few facilities, leaving it critically vulnerable to virus.¹⁰⁴ The SSG created an emergency response committee in March 2020 to coordinate across its ministries and launched campaigns, instigating temperature checks at the Bab al-Hawa border with Turkey and establishing a 14-day quarantine centre.¹⁰⁵ The SSG also imposed lockdowns in specific towns due to case rises in measures announced by the Ministry of Health.¹⁰⁶

Marta Furlan, in her study of emergencies presenting opportunities for rebels, argues “through its awareness campaigns and preventive measures HTS was at the forefront of the battle against coronavirus in Idlib”¹⁰⁷; this aided legitimacy, as HTS “increased their governance efforts in the healthcare sector in order to present themselves – both at home and

¹⁰³ Abdul Razzaq al-Ahmed, “altaelim fi 'iidlib ealaa hafat alhawia” “التعليم في إدلب على حافة الهاوية” [Education in Idlib on the Edge of the Abyss], Al-Hol Net, 3 November 2021, <https://bit.ly/3KVKV6>.

¹⁰⁴ Aaron Zelin, “The Jihadi-Backed Salvation Government and Covid-19 in Northwest Syria,” Istituto per Gli Studi di Politica Internazionale, 15 May 2020, <https://bit.ly/3raAx9f>.

¹⁰⁵ Ibid.

¹⁰⁶ “North-Western Syria: Sarmin Experiences for the First Time Coronavirus Lockdown,” Enab Baladi, 5 August 2020, <https://bit.ly/2Ub7PJd>.

¹⁰⁷ Marta Furlan, “Rebel Governance at the Time of Covid-19: Emergencies as Opportunities for Rebel Rulers,” *Studies in Conflict and Terrorism* (2020): 10, <https://doi.org/10.1080/107610X.2020.1816681>.

abroad – as more competent, credible, and legitimate governors.”¹⁰⁸ In another chapter in this collection, Abdalhadi Alijla demonstrates how other political armed movements in the Middle East, namely Hamas and Hizbullah, used their vast existent networks and mobilisation capacity to grab the opportunity presented by the pandemic to gain both external and local legitimacy, and as a political tool to increase their control.¹⁰⁹ Although a comparably newer actor than both Hamas and Hizbullah, HTS also took the opportunity of COVID to increase their standing as actors in control of the state terrain.

International Status

Having been at one time affiliated with al-Qa‘ida and still being a terror-listed group, there is international and institutional hesitation to engage with HTS, let alone to recognise it as the formal power or (in the rigid conceptualisation) “the state” in Idlib. HTS’s most important foreign relationship at present is with Ankara. HTS has a close relationship with its northern neighbour, allowing Turkish soldiers’ presence in Idlib to uphold an unstable stalemate with Assad’s forces.¹¹⁰ Analysts have argued that HTS cannot survive without the external support of Turkey; others label HTS a Turkish “proxy.”¹¹¹ However, even if HTS is reliant on Ankara to survive, this does not preclude it being the actor in control of the state terrain in Idlib. Many governments are reliant on external intervention to survive: the Damascus-based Syrian government and its dependence on Iranian and Russian support presents an apt example of such contradictions. If HTS is the power in control of the state terrain and still without Turkish support could easily be replaced by another actor, then the best understanding may be that it is not who or what is

¹⁰⁸ Ibid.

¹⁰⁹ Abdalhadi Alijla, “‘We Are in a Battle with the Virus’: Hamas, Hezbollah, and Covid-19,” in this collection.

¹¹⁰ Tsurkov.

¹¹¹ Paul Iddon, “Are Turkey and the Islamist HTS Group in Syria’s Idlib Allies?” Ahval News, 5 April 2021, <https://bit.ly/36ykEO>; Nicolas Heras, Twitter Post, 3 April 2021, <https://twitter.com/NicholasAHeras/status/137837053626323648>.

the “state,” but who or what power dynamics are in control of and form the state terrain at any given time.

Despite its best efforts, HTS is unlikely to be allowed by the international community to rule Idlib *de facto* and *also* *de jure* as a state power or government. As Thanassis Cambanis et al. note, “the international climate has been nearly universally hostile to recognizing and formalizing state fragmentation in postcolonial areas” with “fears of negative precedent and destabilizing cascade effects in this tense, unstable area [creating] deep-rooted caution with respect to secessionist movements and the prospect of new state formation.”¹¹² Because of the lack of recognition of HTS, the international system does not fully identify the group as interlocutors for aid purposes. Organisations such as the Red Cross tend to operate through the Damascus-based government.¹¹³ Ali Keda, the Prime Minister of the SSG, pointed to this tension, saying that, for humanitarian reasons, “international organizations need to coordinate with our government” if they aim to help with the situation.¹¹⁴ Furlan notes that “international aid initiatives aimed at addressing emergencies in war-torn countries where governance is divided between the state and the rebels will need to be devised with this ‘rebel advantage’ in mind in order to be effective and realistic.”¹¹⁵ During civil wars, central government authority has already fragmented. Different understandings of state power could perhaps lead to a more realistic assessment of current power dynamics by international actors, allowing for more precise responses.

¹¹² Thanassis Cambanis, Dina Esfandiary, Sima Ghaddar, Michael Wahid Hanna, Aron Lund, and Renad Mansour, *Hybrid Actors: Armed Groups and State Fragmentation in the Middle East* (New York: The Century Foundation, 2019): 43.

¹¹³ Julien Barnes-Dacey, “First aid: How Russia and the West can help Syrians in Idlib,” European Council on Foreign Relations, 14 April 2021, <https://bit.ly/3r9uYYB>.

¹¹⁴ Edith Bouvier, «Idlib, capitale syrienne du désespoir» [Idlib, Syrian Capital of Despair], *Le Temps*, 3 September 2020, <https://bit.ly/3kjiDjq>.

¹¹⁵ Furlan, “Rebel Governance,” 16.

Conclusions

The civil war in Syria has brought new power dynamics to the fore. Government control has been ruptured by violence, and actors have emerged to seize partial (and sometimes total) control in certain territories. Similar dynamics occur in all civil wars, in which rebel movements install themselves in an area, and rebel governance becomes a feature. The typical understanding of “state power” creates a distinction between state and non-state actors, portraying them as mutually exclusive entities. However, the course of many rebel movements illustrates that this boundary is not distinct, and thus our understanding of state power in such situations should be re-considered.

Hay’at Tahrir al-Sham and their development over the course of the Syrian civil war is indicative of this. Over the decade of Syria’s conflict, HTS has morphed from an al-Qa’ida affiliated transnational jihadist group that was one of many opposition units to a locally rooted, conservative Islamist movement that is the *de facto* state power in one corner of the country. The group has seized control of the state terrain and can theoretically be described as the state in Idlib. However, HTS’s links with local communities and the continued existence of armed opposition to its rule shows how the binary state/non-state assessment fails to capture the complexity of the situation; a more complete understanding is developed by looking at which actors and systems contest the power dynamics that form a state terrain. As Péclard and Mechoulam note, “rebels, like any social or political group, and regardless of their degree of territorial control in the areas they ‘govern,’ do not operate in a social and political vacuum.”¹¹⁶ It is therefore vital to understand the networks and constellations in which their power resides and how this affects the citizens whom they rule.

Analysis of the future direction of HTS shows the fragility of the situation. Tsurkov argues that “the HTS governance project in Idlib does not have a clear end goal,” and that the leadership appears “content with maintaining control of Idlib and waiting for an opportunity for further expansion or a political process” in which HTS can be a central

¹¹⁶ Péclard and Mechoulam, 22.

player.¹¹⁷ Zelin notes, “there are still questions about whether its political project...will succeed or, instead, illustrate shortcomings ruling a society.”¹¹⁸ While this is the case, the complexities and questions over the political structures in Idlib have highlighted tensions in the typical understandings of civil wars. In Tilly’s argument “war makes states.”¹¹⁹ Using the non-Weberian idea of state power, the case of HTS shows that war (particularly civil war) makes state terrain *capturable*; it opens up the space for rebel powers to institute new relations of social power over a population, and then to present themselves as those in control.

Whatever the future may hold for Idlib and HTS—and that will no doubt also be shaped by events beyond their control, both in wider Syria and outside the country—the progression and development of the group raises compelling questions about how we understand state power. If HTS is able to maintain control—and lessen international opposition to its control and become an *accepted* state power—it may act as an example to other groups that are considered to be non-state groups. It would also show that the state is a terrain to fight over, rather than a specific separate entity, an arena of political control which is shaped by networks of power and is constantly in flux. HTS’s contested control of Idlib makes the case even stronger for a wider interpretation of state power.¹²⁰

The current understanding of the state also helps shape policy. By establishing such actors as “non-state,” they are given an air of impermanence, potentially leading to underassessment and unrealistic evaluation about the extent to which such armed actors penetrate society. They, like all movements, do not exist in a vacuum but run through society; a reassessment of what state power means would help lead to a reconsideration of power dynamics in such complex situations as civil wars.

This may have wider connotations for conceptions of “the state.” Although we often have understanding of a binary distinction, “focusing on the state not as an institutional form of government but as a broader and more elastic system of power reveals a different equation,” as Khatib

¹¹⁷ Tsurkov.

¹¹⁸ Zelin, “Jihadi Movements 2021.”

¹¹⁹ Tilly, 173.

¹²⁰ Drevon and Haenni, 10.

and Mansour aptly argue.¹²¹ Such refinement of the state as a concept allows for a deeper comprehension of how power is formed.¹²² The case of the development of Hay'at Tahrir al-Sham and Syria's civil war shows how our understanding of such concepts, and therefore our response to such dynamics, can also be adjusted and nuanced with further layers of complexity.

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¹²¹ Mansour and Khatib, 28.

¹²² Mitchell, 77.

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The Propagandistic Use of Rebel Governance: The Case of the Islamic State in Syria and Iraq

Edoardo Corradi

Introduction

At the peak of its expansion, the Islamic State (IS) held a portion of territory between Syria and Iraq around 80 thousand square kilometres, in which around 8 million people lived, according to the Wilson Center.¹ One-third of Syria and almost half of Iraqi territory has been under the control of the so-called IS militants, achieving the goal of its founder, Abū Muṣʿab al-Zarqāwī.² Why did Islamic State create a parallel state in Iraq and Syria? IS is certainly not the first insurgent group to create a parallel state system in the territories it held, although by no means do all

¹ “Timeline: The Rise, Spread, and Fall of the Islamic State,” Wilson Center, 28 October 2019, <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>.¹

² Daniel Byman, *Al Qaeda, The Islamic State, and the Global Jihadist Movement* (Oxford: Oxford University Press, 2015).

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insurgent groups succeed in such a task. The article aims to understand the peculiarity of IS's rebel governance and to explain the peculiarities of Islamic State's governance system. According to existing literature, rebel groups seek to build systems of governance³ on the basis of their ideologies, main goals, necessities, and relative power.⁴ Arjona argues that two types of insurgent governance have been experienced so far: *aliocracy* and *rebelocracy*.⁵ The difference between the two types of rebel governance lies in the type and form of pre-existing institutions. When rebels wish to achieve long-term goals and when pre-existing institutions are weak, insurgents are willing to manage different aspects of society by instituting a *rebelocracy*. On the contrary, when long-term goals coexist alongside strong pre-existing institutions, insurgents instead provide security and taxation to gain support from the local population. In this regard, IS created a system of rebelocracy not solely to raise funds to pursue its long-term ideological goals, but also to lay the ground for the recreation of the caliphate throughout the Middle East. The Islamic State did not emerge as many other rebel groups as a subset or sub-category of an existing territory: it was not an ethnic-based group, embedded in a particular territory. Islamic State instead wants to represent the whole Muslim community, and solidifying rule over parts of Syria and Iraq was an instrumental opportunity for its cause.⁶ In doing so, IS did not intend to control only a large portion of territory, but rather to expand its borders as much as it could. To wage an expansionist war, IS needed money and popular support, as well as local legitimacy. The remainder of this chapter is structured as follows: first, I will briefly outline the existing literature on rebel governance and what types of governance have been theorised. Secondly, I will explain the features of Islamic State rebel

³ Reyko Huang, *The Wartime Origins of Democratization. Civil War, Rebel Governance, and Political Regimes* (Cambridge: Cambridge University Press, 2016).

⁴ Luis de la Calle and Ignacio Sánchez-Cuenca, "Rebels Without a Territory: An Analysis of Nonterritorial Conflicts in the World, 1970–1997," *Journal of Conflict Resolution* 56, no. 4 (2012): 580–603.

⁵ Ana Arjona, *Rebelocracy. Social Order in the Colombian Civil War* (New York: Cambridge University Press, 2015).

⁶ Ahmed S. Hashim, *The Caliphate at War: The Ideological, Organisational and Military Innovations of Islamic State* (London: Hurst Publishers, 2018).

governance in order to explain which type of rebel governance they instituted in Syria and Iraq. Finally, I will explain how Islamic State used rebel governance as a propagandistic tool to co-opt the local population and foreign citizens.

How Rebels Govern a Territory

Rebel governance remains an understudied sub-field of civil wars literature. It emerges in the case of internal armed conflict, defined in this chapter as “as armed combat taking place within the boundaries of a recognised sovereign entity between parties that are subject to a common authority at the outset of the hostilities.”⁷ In this context, insurgent groups often control parts of territories in which they can re-create parallel state systems. Not all the rebel groups decide to institute systems of governance, however. De la Calle and Sánchez-Cuenca point out that control of the territory by a rebel group is closely linked to the government’s ability to resist the offensive. Against this backdrop, the authors argue that the more stable countries are with ample financial resources, and more have to deal with underground groups, which operate mostly hidden and in the urban areas of the country.⁸ Why do rebel groups institute a system of governance? Insurgent groups are often seeking secession or independence, and thus are often direct emanation of the territory they control. When waging war against the government, rebel groups tend to secure portions of territory from which they can attack against the incumbent government. Importantly, though, waging war is extremely expensive in terms of both money and human resources, and rebel groups are often weaker than the central government in both resources.

Rebel governance is a wartime social order⁹ in which insurgent groups, according to Kasfir, “hold some territory within the state against which

⁷ Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 17.

⁸ De la Calle and Sánchez-Cuenca, 580–603.

⁹ Arjona. *Rebelocracy*.

it is rebelling, although its control over specific territory may fluctuate temporally and spatially”¹⁰ in which civilian populations live and are threatened by the use of violence from the rebels. In this portion of territory, insurgents institute a social contract with the local population in which they regulate different aspects of civilian life, ranging from security to taxation, conduct of behaviour, provision of public goods, education, etc. The rebels replace the state with their own form of government, which can be of two different types, according to Arjona depending on two variables: rebel goals and pre-existing institutions in the territory they control. Arjona argues that “groups indiscipline, armed competition, and certain changes in the macropolitics of the war”¹¹ allow the insurgent to focus on the immediate present rather than on the future. In this context, disorder emerges, and rebel governance is not instituted. According to Breslawski, if no form of rebel governance is established, the effects are predominantly negative, resulting in the destruction of pre-existing institutions without the creation of new ones that can take their place. This situation leads to a more generally chaotic life based on the use of violent coercion, in which “civilians are left with no idea of what to expect day to day, and face high levels of unpredictability.”¹²

Rebels’ goals are a key variable in understanding how rebel governance is instituted. If rebels have short-term goals, despite having full control of a territory, they are not interested solely in building systems of governance. On the contrary, when rebels have long-term goals, they are interested in setting up rebel institutions to govern the territory, and in this context the quality of pre-existing institutions is another key variable in defining which type of governance is instituted. If the quality of existing institutions is high, civilian populations may resist a change, and thus rebels intervene in managing security and taxation: this type of rebel governance is called *aliocracy*, the governing by the others. If local populations do not consider pre-existing institutions to be legitimate, rebels manage different aspects of civilian life other than security and

¹⁰ Nelson Kasfir, “Rebel Governance—Constructing a Field of Inquiry,” in *Rebel Governance in Civil War*, eds. Ana Arjona et al. (New York: Cambridge University Press, 2015): 25.

¹¹ Arjona, *Rebelocracy*, 51.

¹² Jori Breslawski, “The Social Terrain of Rebel Held Territory,” *Journal of Conflict Resolution* 65, no. 2–3 (2021): 456.

taxation. They may also impose rules of behaviour, local governance in the rebel governance framework, a judicial system, or put in place their own dispute resolution mechanism. This system is called *rebelocracy*, namely the governing by the rebels. The sub-field of rebel governance is still understudied. Authors have focused theoretical efforts and hypothesis testing on how rebels create a system of governance,¹³ how civilians perceive these institutions as legitimate,¹⁴ the symbolic system instituted by insurgents,¹⁵ how civilians may resist to rebels' rule, and how effective is the insurgent governance.¹⁶

Furlan argues that existing literature focuses on limited explanatory variables of rebel governance as the presence or absence of social contract,¹⁷ degree of power sharing and inclusiveness,¹⁸ and civilian inclusion in governance.¹⁹ In this regard, Furlan presents a multi-dimensional typology in which several variables should be analysed when taking into account different systems of rebel governance, such as inclusivity, interaction with civilians, generation of compliance, relations with other actors, adherence to former governance structures, bureaucratisation, and whether the group act in a hierarchical or non-hierarchical way.²⁰

¹³ Arjona, *Rebelocracy*.

¹⁴ Romain Malejacq, "From Rebel to Quasi-State: Governance, Diplomacy and Legitimacy in the Midst of Afghanistan's Wars (1979–2001)," *Small Wars and Insurgencies* 28, no. 4–5 (2017): 867–886; Niels Terpstra, "Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing Three Phases of Taliban Rule in Afghanistan," *Small Wars and Insurgencies* 31, no. 6 (2020): 1143–1173; Niels Terpstra and Georg Frerks, "Rebel Governance and Legitimacy: Understanding the Impact of Rebel Legitimation on Civilian Compliance with the LTTE Rule," *Civil Wars* 19, no. 3 (2017): 279–307.

¹⁵ Ana Arjona, "Civilian Resistance to Rebel Governance," in *Rebel Governance in Civil War*, eds. Ana Arjona et al. (New York: Cambridge University Press, 2015): 180–202.

¹⁶ Zachariah Mampilly, "Performing the Nation-State: Rebel Governance and Symbolic Processes," in *Rebel Governance in Civil War*, eds. Ana Arjona et al. (New York: Cambridge University Press, 2015).

¹⁷ Arjona, *Rebelocracy*.

¹⁸ Jeremy Weinstein, *Inside Rebellion* (New York: Cambridge University Press, 2007).

¹⁹ Nelson Kasfir, "Guerrillas and Civilian Participation: The National Resistance Army in Uganda, 1981–1986," *The Journal of Modern African Studies*, 41, no. 11 (2005): 271–296.

²⁰ Marta Furlan, "Understanding Governance by Insurgent Non-State Actors: A Multi-Dimensional Typology," *Civil Wars* 22, no. 4 (2020): 478–511.

After defining how rebels create governance and the different types of governance, it is necessary to test these theories through case study analysis. Specifically, I will consider the Islamic State case study, one of the most important rebel groups in Syria and Iraq and one of the most important worldwide. The next paragraph is dedicated to understanding which type of governance has been instituted by the Islamic State in Syria and Iraq. The Islamic State is a particular case study. Rebels generally are interested in controlling a limited portion of territory or the entirety of the country in which they are fighting. IS, on the contrary, expanded its conquest in two different countries, Syria and Iraq, and obtained allegiance from several other groups in different countries. It also sought to spread its rule throughout the Muslim world.

Relying on Arjona's typology of rebel governance, which distinguishes in *aliocracy* and *rebelocracy* depending on the condition of pre-existing institutions, I will evaluate which type of governance has been instituted by the Islamic State. I argue that IS's goals in building a certain type of rebel governance were necessary to achieve its willingness to expand its borders across different nations. Despite Byman's argument that IS instituted a weak system of governance, in which population were threatened by the use of force,²¹ Bamber²² argues that different stages of IS rebel governance were experienced in Syria and Iraq. Indeed, IS rebel governance was used as an instrument of propaganda for the local population living outside IS-controlled territories and for foreigners living abroad. Analysing how IS rebel governance influenced civilians living outside IS territories is difficult to assess.²³ On the contrary, IS's use of governance as a propaganda tool for foreigners was possible due to its publications

²¹ Daniel Byman, "Understanding the Islamic State—A Review Essay," *International Security* 40, no. 4 (2016): 141–142.

²² Matthew Bamber, "Honeymoon', Peak and Degradation: Three Phases of Islamic State's Rebel Governance Effectiveness," Paper presented at the *Islamist Rebel Governance Workshop*, October 9–10, 2020, 1–54 (2020).

²³ At the time of writing, field research is impossible to be conducted due to the current global pandemic of COVID-19.

of several magazines. Thus, in order to understand how IS used governance as a propaganda instrument, I will analyse the main magazines published by IS for English-speaking people, namely *Islamic State News*, *Islamic State Report*, *Dabiq*, and *Rumiyah*.

The Emergence of the Islamic State as a Predominant Non-state Violent Actor

The Islamic State emerged as a challenging actor in Syria and Iraq in 2013, when it started seizing territory from the Syrian and Iraqi governments. The seemingly unstoppable advance of IS militants worried local and global actors, and the Islamic State became a powerful actor in the region. Nevertheless, Islamic State is not a product of the Syrian and Iraqi civil wars, but has deep roots in the post-2003 collapse of the Iraqi state.

The embryo of the Islamic State was born in Iraqi mayhem, when the central state collapsed after the US invasion in 2003, spurring the proliferation of non-state armed groups in the whole country. During US military operations in Iraq, several armed groups emerged on the battlefield, and in this environment the Jordanian Abū Muṣʿab al-Zarqāwī and the Palestinian Abū Muḥammad al-Maḥdī founded the so-called *Jamāʿat al-Tawḥīd wa-l-jihād*. Although al-Qaʿida (AQ) at the time was recognised internationally as the leader of the jihadist insurgency in Iraq and the leading group in the whole jihadi universe, al-Zarqāwī's group was recognised as one of the most influential, and perhaps most violent, group in the Iraqi insurgency. In 2004, al-Zarqāwī became progressively closer to al-Qaʿida, until the group became officially affiliated with al-Qaʿida under the name of *Tanzīm Qāʿidat al-Jihād fī Bilād al-Rāfiḍayn*, known also as al-Qaʿida in Iraq (AQI). Despite sharing a common affiliation, the groups' goals were different. Al-Qaʿida was concerned with fighting the so-called "far-enemy," i.e. the United States and the West, while al-Zarqāwī was more concerned to create a Sunni, and specifically

Table 1 Differences among Al-Qāʿida and Al-Qāʿida in Iraq (later Islamic State) regarding short-term and long-term goals

Strategic goals of Al-Qaʿida (AQ) and Al-Qaʿida in Iraq (AQI)		
	Short term	Long term
AQ	• Far enemy (United States and the West)	• Caliphate
AQI	• Shiʿas	• Global
	• Caliphate in Iraq	Caliphate

Salafi, state system in Iraq, fighting predominantly against Shiʿas and imposing shariʿa rules as he saw fit (Table 1).²⁴

In 2006, al-Zarqāwī was killed by a US airstrike, but by that time his militia was already recognised as one of the leaders in the jihadist movement. In the same year, AQI cut its tie with al-Qaʿida and changed its name in *Dawlat al-ʿIrāq al-Islāmiyya*, meaning the Islamic State of Iraq (ISI). The embryo of a jihadist state system appeared in 2007 and in 2009, when ISI controlled a small portion of territory in Iraq. During this period, ISI leadership instituted a first council of ministers, although the role of the ministers was extremely limited. In this regard, ISI was more similar to a criminal organisation despite a rebel group.²⁵ In 2010, ISI suffered a setback with the death of its leaders, Abū ʿOmar al-Baghdādī e Abū Ayyūb al-Maṣrī, in a US airstrike—the same fate faced by the former leader al-Zarqāwī four years earlier. The new leadership, led by Abū Bakr al-Baghdādī, brought ISI to another level joining the war in Syria and creating the Islamic State. In 2013, ISI change again its denomination in *al-Dawla al-Islāmiyya fī l-ʿIrāq wa l-Shām*, meaning the Islamic State of Iraq and Greater Syria, commonly known as ISIS. The final denomination, in which any geographical demarcation has been removed, shows the main goal of the organisation in building a borderless caliphate in the Middle East, moving its border to north-eastern Syria towards Kurdish-majority areas.²⁶ During the Syrian civil war, IS controlled Syria and Iraq territory amounting to 105.869 km²²⁷

²⁴ Byman, *Al Qaeda, The Islamic State*.

²⁵ Ahmed al-Tamimi, “The Evolution in Islamic State Administration: The Documentary Evidence,” *Perspective on Terrorism* 9, no. 4 (2015): 117–129.

²⁶ Hashim, *The Caliphate at War*.

²⁷ Seth G. Jones, et al., *Rolling Back the Islamic State*. RAND Corporation, 2017.

in which almost 8 million of people lived. The creation of a bureaucratic system was thus necessary to guarantee the existence of the IS as a rebel organisation as well as to guarantee basic services to the civilian population. How did the Islamic State organise its state system?

The Islamic State's Rebel Governance in Syria and Iraq

IS created a sophisticated rebel governance system which affected several spheres of civilian life through the management of security and taxation, as well as their own tribunals, laws, education system, etc. IS's rebel governance was a sophisticated system of *rebelocracy*, in which it managed every aspect of civilian life. According to Bamber,²⁸ IS instituted a three-stage rebel governance according to the development of the Syrian and Iraqi conflict. At the beginning, the “honeymoon,” as it was dubbed by Bamber, IS was providing a limited but high-quality public service, guaranteeing a high level of security, leaving civilians with no travel restrictions, and without codifying a high number of rules or code of conducts. While IS was apparently unstoppable militarily, conquering larger portions of Syrian and Iraqi territories, Bamber argues that at this “peak” IS was providing a high level of security and a broader and high-quality public service, despite introducing travel restrictions and severe punishments and legal restrictions. As reported by Lister,²⁹ IS managed not only industries, electricity, water, and gas supplies, but also the production of primary goods such as bread. Lister reports that in Deir Ez-Zor IS lowered the bread price in order to provide it at a lower price for the population, financing this activity with its own money. Public transport was also usually free, as were healthcare services.

While during the so-called “honeymoon” period, IS was getting the population accustomed to its rule, during the “peak,” IS governance entered into force in the entire civilian sphere. Bamber called this period

²⁸ Bamber.

²⁹ Charles Lister, “Profiling the Islamic State,” Brooking Doha Center Analysis Paper, 1 December 2014, <https://www.brookings.edu/research/profiling-the-islamic-state/>.

as the “peak,” after which IS’s military dominance rapidly declined, and with it also the governance system. During the last phase, security and public services were not guaranteed at all. Citizens were unable to move due to the travel ban and punishments were inflicted randomly to the population, as well as strict rules related to conduct and criminal punishment.

The next section will briefly investigate how IS developed its governance in different strategic realms of civilian life.³⁰ Firstly, I will analyse the instruments IS used to fund its governance. Secondly, I will analyse how IS instituted its educational system and what changes it made in so doing. Thirdly, I will analyse the bureaucratic system of IS, in particular how Islamic State created its own form of government and divided its territories into administrative regions. Finally, I will examine IS’s law enforcement strategies with special attention to the code of conduct instituted in the areas under its control.

Funding

IS, since the beginning, had the opportunity to raise money due to private external funders. Most of its revenue, in fact, came from several private donors.³¹ Despite attracting these private funders, the Islamic State did not attract any formal funding from states. Its apocalyptic ideology, as well as its use of indiscriminate violence,³² did not attract any formal support from abroad, while it attracted private funding. As reported by Heißner, Neumann, Holland-McCowan, and Rajan,³³ there is no evidence of private investors from the Gulf countries in the

³⁰ Michael W. S. Ryan, “Hot Issue: Dabiq: What Islamic State’s New Magazine Tells Us About Their Strategic Direction, Recruitment Patterns and Guerrilla Doctrine,” *The Jamestown Foundation*, 1 August 2014, <https://jamestown.org/program/hot-issue-dabiq-what-islamic-states-new-magazine-tells-us-about-their-strategic-direction-recruitment-patterns-and-guerrilla-doctrine/>.

³¹ Bamber.

³² Kalyvas; Jürgen Brandsch. *Killing Civilians in Civil War. The Rationale of Indiscriminate Violence* (Boulder: FirstForumPress, 2020).

³³ Stefan Heißner et al., “Caliphate in Decline: An Estimate of Islamic State’s Financial Fortunes,” *The International Centre for the Study of Radicalisation*, 2017, 8, <https://icsr.info/wp-content/uploads/2017/02/ICSR-Report-Caliphate-in-Decline-An-Estimate-of-Islamic-States-Financial-Fortunes.pdf>.

period after 2014, while it is known that IS previously benefitted from external private donations. As the Syrian civil war break out, IS gradually held larger portions of territory in Syria and Iraq. Such territorial gains increased IS's capacity to survive, since it could reap monetary benefits from its new lands. Critically, IS took control of several oil fields, smuggling oil to different countries. Moreover, IS instituted a system of taxation for the civilian population that allowed it to supplement its income. IS was also involved in human trafficking, in particular with Yazidi women, in addition to raising money by smuggling archaeological and cultural goods, as well as by exploiting phosphorus mines.³⁴ IS's income from oil smuggling amounted to some 70,000 barrels per day in late 2014, and between 50,000 and 100,000 barrels per day in 2015, resulting in an income of around \$250–600 million in 2015 alone.³⁵ Other research has estimated that IS was generating an income from oil trafficking from a minimum of \$365 million to a maximum of \$1.1 billion.³⁶ Human trafficking affected around 250,000 people, including those trafficked as slaves or those managing the refugee routes. Moreover, IS-controlled areas in which some 4500 archaeological sites existed, granting it the ability to have a large pool for archaeological smuggling.³⁷ According to one Iraqi official, quoted by Lister, archaeological smuggling generated an income of \$36 million in 2014.³⁸

Taxation strictly conformed to the Qur'anic text. Regarding entrepreneurs, an individual bimonthly tax was raised for an amount of \$20 to finance the provision of public goods such as electricity, water, and security.³⁹ Moreover, IS imposed income taxation of around 10

³⁴ "Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL)," Financial Action Task Force, FAFT Report, 2015.

³⁵ Agnès Levallois, "The Financing of the 'Islamic State' in Iraq and Syria (ISIS)," Directorate-General for External Policies, Policy Department, 2017.

³⁶ Lister, "Profiling the Islamic State."

³⁷ Patrick Blannin, "Islamic State's Financing Sources, Methods and Utilisation," *Counter Terrorist Trend and Analyses* 5 (2017): 13–22.

³⁸ Lister, "Profiling the Islamic State."

³⁹ Joseph Thorndike, "How ISIS Is Using Taxes to Build a Terrorist State," *Forbes*, 18 August 2014, <https://www.forbes.com/sites/taxanalysts/2014/08/18/how-isis-is-using-taxes-to-build-a-terrorist-state/?sh=77ecf1003ac0>.

per cent and value-added taxation (VAT) of 2 per cent.⁴⁰ Cash withdrawal from banks was taxed at 5 per cent, with IS imposing personnel in bank administration to guarantee the constant flow of money to IS. The Islamic State used the income from taxation and illegal activities to finance its war against the Syrian government, the reconstruction of roads and electrical systems, the provision of hospital services, and the removal of debris from the streets due to war.⁴¹ In this sense, IS was operating as a formal state, imposing taxation, and investing the revenue for the provision of public goods.⁴² As reported by Heißner, Neumann, Holland-McCowan, and Basra,⁴³ the total income generated by public taxation amounted to, at a minimum, \$300 million, and, at a maximum of \$400 million in 2014; this figure almost doubled in 2015 while in 2016 decreased to \$200–400 millions.⁴⁴ In total, taking into account all the economic incomes generated by the Islamic State, IS was earning \$970–1.890 million in 2014, \$1.035–1.700 million in 2015, and \$520–870 million in 2016.⁴⁵ According to Martin and Solomon,⁴⁶ by the end of 2015 IS generated a total income of \$2.4 billion per year. As a result, the Islamic State was financially self-sustained. Despite different estimates of the real financial incomes of the Islamic State, mainly due to difficulties of obtaining precise documents regarding the economic revenues of a non-state actor, it is possible to understand how IS created a sophisticated financial and economic system which led the group to sustain its activities in Syria, Iraq, and abroad.

⁴⁰ Blannin.

⁴¹ Charles C. Caris and Samuel Reynolds, “ISIS Governance in Syria.” Institute for the Study of War, 2014, https://www.understandingwar.org/sites/default/files/ISIS_Governance.pdf.

⁴² Byman, “Understanding the Islamic State,” 141–142.

⁴³ Heißner, 9.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Michaela Martin and Hussein Solomon, “Islamic State: Understanding the Nature of the Beast and Its Funding,” *Contemporary Review of the Middle East* 4 (2017): 18–49.

Educational System

IS's funding activities, mostly regarding taxation, exploitation of natural resources such as oil and phosphorus, and human trafficking, were used to provide public goods and to finance the wartime activities. Among the public services offered by the Islamic State, the educational system is an interesting case in analysing how structured IS's rebel governance was. Indeed, IS renewed the educational system entirely in both Syria and Iraq, publishing textbooks which adhered to IS's interpretation of Qur'anic texts.⁴⁷ IS's educational system served both as an indoctrination instrument as well as a tool to homogenise the society they were willing to build. Besides Islamic teachings such as memorisation of the fundamental texts of Islam, i.e. Qur'an and Sunnah, the Islamic State also provided textbooks and materials on how to build homemade weapons, how to kill the "infidels," providing as well practical exercises on mannequins through the Curriculum Office, the *Mudiriyyat al-Manahij*. Moreover, several scientific subjects were erased from the school programmes,⁴⁸ despite the fact that some sciences, such as computer science, were still part of the curriculum.⁴⁹ Textbooks were often matched with workbooks, in which students were asked which kind of punishments should be inflicted on those which have violated shari'a.⁵⁰ IS had its own Ministry of Education, called *Diwan al-Ta'lim*, which managed all the education programmes. According to documents presented by Arvisais and Guiderè,⁵¹ the Islamic State developed a complex educational system. School started at the age of 6 and lasted for

⁴⁷ Caris and Reynolds.

⁴⁸ Hosam al-Jablawi, "A Closer Look at the Educational System of ISIS," Atlantic Council, 26 April 2016, <https://www.atlanticcouncil.org/blogs/syriasource/a-closer-look-at-isis-s-educational-system/>.

⁴⁹ Olivier Arvisais and Mathieu Guiderè, "Education in Conflict: How Islamic State Established Its Curriculum," *Journal of Curriculum Studies* 52, no. 4 (2020): 498–515.

⁵⁰ Jacob Olidort, "Inside the Caliphate's Classroom. Textbooks, Guidance Literature, and Indoctrination Methods of the Islamic State," The Washington Institute for Near East Policy, 5 August 2016, <https://www.washingtoninstitute.org/policy-analysis/inside-caliphates-classroom-textbooks-guidance-literature-and-indoctrination>; Kinana Qaddour, "Inside ISIS' Dysfunctional Schools," *Foreign Affairs*, 13 October 2017, <https://www.foreignaffairs.com/articles/syria/2017-10-13/inside-isis-dysfunctional-schools>.

⁵¹ Arvisais and Guiderè, "Education in Conflict."

10 years. Children were supposed to finish school at the age of 15, having studied several mandatory subjects such as English language, computer science, and prophetic tradition. On the contrary, as published by the Islamic State Curriculum Office on 2 August 2014, many subjects were erased from the school programmes such as art, social studies, civics, music, sociology, philosophy, psychology, and all the religious studies not reflecting the particular view IS held of Islam.⁵² In this regard, all the people willing to work in IS's educational system had to attend a mandatory course held by the Islamic State *hisba*, the religious police. IS also managed the re-opening of the University of Mosul in Iraq and the al-Furat University in Deir Ez-zor and Raqqa in Syria. The length of high educational curriculum was shortened from four years to two years, while the medical curriculum from six years to four years under the strict control of the Minister of Health. Some of the traditional university departments such as political science, philosophy, tourism, or law, were shut down, while the medical university mainly taught wartime medicine.

Bureaucratic System

The *Diwan al-Ta'lim* is one example of how IS managed its territories in Syria and Iraq through the creation of a bureaucratic system. The Islamic State created several ministries useful not only to the management of different spheres of the civilian population, but also to provide a precise image of what IS was to those outside of its territories.⁵³ The extremely pervasive system of IS government was an example of a fully structured and bureaucratic type of rebelocracy. As reported by al-Tamini,⁵⁴ IS developed different ministers in order to manage different

⁵² Olivier Arvisais and Mathieu Guiderè, "The Integration of Religious Elements into ISIS Textbooks," *Religion and Education* 47, no. 2 (2020): 188–203.

⁵³ Ben Hubbard, "Life in a Jihadist Capital: Order with a Darker Side," *The New York Times*, 23 July 2014, <https://www.nytimes.com/2014/07/24/world/middleeast/islamic-state-controls-raqqa-syria.html>; Aaron Zelin, "The Islamic State of Iraq and Syria Has a Consumer Protection Office," *The Atlantic*, 13 June 2014, <https://www.theatlantic.com/international/archive/2014/06/the-isis-guide-to-building-an-islamic-state/372769/>.

⁵⁴ al-Tamimi, 124.

aspects of civilians' life, such as the *Diwan al-Ta'lim* (education), *Diwan al-Khidamat* (public services), *Diwan al-Da'wahwa al-Masajid* (da'wah activity and control of the mosques), *Diwan al-Sihha* (health), *Diwan al-Amn* (security), *Diwan al-Hisbah* (enforcement of public morality; Islamic police), *Diwan al-Jund* (military and defence), and other governance bodies to manage agriculture, fossil fuels, tribal relationships, finance, Islamic courts, etc.

IS's territories had been divided into *wilayat*, or provinces, that represented two levels of territorial subdivisions: the first representing the provinces in which the Islamic State was hegemonic in Syria and Iraq, and the second representing all the territories which are claimed as part of its dominion, usually outside Syria and Iraq. In the first level different provinces, or *wilayat*, particularly in the most populated provinces, usually where there were big cities such as Raqqa, Mosul, or Aleppo, IS developed a strong bureaucratic system of governance. On the other hand, in the most remote and desertic areas, IS guaranteed only basic services. In this regard, immediately after the captures of Raqqa in 2014 and Mosul in 2017 by Islamic State militants, IS deployed the instrument of the *dhimmi* system to manage the relationship with Christian and Jewish citizens.⁵⁵ According to the *dhimmi* system, monotheistic believers could be provided protection from the government after the payment of a special tax, *jizya*, and if they followed strict rules, such as not building new worship places, and not selling pork, alcohol, or other forbidden foods and drinks, etc. In this regard, IS generated a double standard with non-Muslim citizens, if not a triple standard. For example, Yazidi citizens were labelled as polytheistic, and thus IS militants claimed to have the right to kill them or enslave them. Despite the double/triple standard, Christians or other non-Muslim monotheistic believers were not at the same social level of Muslims.

Besides the ministries, the *diwan*, the Islamic State created some institutions useful to managing the areas under its control. In the most important *wilayat*, IS created different police forces. The first was a local law enforcement unit, used for security means, while the second, called *al-Hisba*, was dedicated to "promote virtue and prevent vice to dry

⁵⁵ Lister, "Profiling the Islamic State."

up sources of evil, prevent the manifestation of disobedience, and urge Muslims towards well-being.”⁵⁶ The main goal in creating a bureaucratic system of governance was not just to manage the territories, but to create a stable environment on which to build the caliphate.

Law Enforcement and Code of Conduct

While creating its own system of governance, IS dealt with the local population by developing its own law enforcement system with particular attention to a strict code of conduct. As al-Tamini reported, IS instituted two ministries for law enforcement and public security, the *Diwan al-Amn* and the *Diwan al-Hisbah*. The first minister dealt with public security, while the second one managed public morality and code of conduct. The latter was particularly important for IS. While the former is a classic bureaucratic body since one of the first aims of rebels is to provide security, the management of a code of conduct is important for those who want to impose a particular ideology on society. In this regard, IS's imposition of a code of conduct was necessary to the pursuit of their radical Islamic view, based on a unique as well as intransigent understanding of Islam, discredited by the large majority of believers and Islamic scholars. Women's main duty, in this conception, was to raise children and take care of the house and family, although some women could work as school teachers for girls-only classes.⁵⁷ Smoking as well as drinking and listening music were forbidden. Every shop had to close for the five daily prayers. The *Diwan al-Hisbah* police was meant to guarantee the respect of the general code of conduct, doling out harsh punishments for those who disobeyed, in accordance with shari'a law.⁵⁸ Public punishments were common during the IS's rule in Syria and Iraq. March and Revkin noted in an article published on Foreign Affairs on 15 April 2015 that individual and violent punishments were required for several types of crime, ranging from espionage to crimes against

⁵⁶ Caris and Reynolds.

⁵⁷ Itamar Rabinovich and Carmit Valensi, *Syrian Requiem. The Civil War and Its Aftermath* (Princeton: Princeton University Press, 2021).

⁵⁸ Hashim.

public morality, adultery, blasphemy, pornography, murder, consume of alcoholic beverages, drugs, etc.⁵⁹ Bamber⁶⁰ noticed that the use of violent and public punishments was common during the so-called “peak” and “degradation” phases of Islamic State governance in Syria and Iraq, namely the phases when IS was already established in the territories of the two countries, and the latter when IS was facing intense military operations and maintaining governance structure was too expensive.

In the next paragraph I will examine English-language magazines published by IS to understand how the Islamic State used rebel governance as a propaganda tool.

The Purposes of IS Rebelocracy

Usually, rebel groups control territories to guarantee money from taxation, recruits from the local population due to the security-recruiting mechanism, in which rebels are considered as the only security providers by the population, increasing the chances to get new recruits from local, and eventually to control the territory to pursue their goals such as independence. IS was unique from most other rebel groups, however, in its expansionist aims. IS was not interested solely in keeping control of a territory, but also in expanding as much as it could eventually in the whole Syria and Iraq and beyond.

In this regard, IS's governance did not serve the purpose of solely controlling a certain territory and gaining financial and other useful resources to keep waging the war against the Syrian government and other rebel groups, but also to attract those living in other areas of Iraq and Syria, and abroad. Its desire to expand its borders was directly connected to how IS was managing the territory it controlled. Those lands were to serve as an example for those living in areas controlled by other actors to see how the Islamic State was organised and provided basic services to the population. IS governance, I argue, was at the same

⁵⁹ Andrew F. March and Mara Revkin, “Caliphate of Law: ISIS’ Ground Rules,” *Foreign Affairs*, 15 April 2015, <https://www.foreignaffairs.com/articles/syria/2015-04-15/caliphate-law>.

⁶⁰ Bamber.

time a necessity and a propaganda tool. As argued by Gambhir, “ISIS is looking not only to nearby areas for support, but is undertaking a global outreach strategy to recruit immigrants to build its state.”⁶¹

Alongside several videos picturing IS militants in military operations, the IS propaganda machine focused on civilian life. As Winter reports,⁶² IS published videos such as the so-called “Building Blocks,” in which it showed several IS governance departments, such as the Education office, the Bureau for Electricity and Water, Health Ministry, etc. The main purpose “was instrumental to the Islamic State’s appeal, contributing as it did to an unparalleled picture of euphoric, efficient, and functioning ‘Islamic’ rule.”⁶³ Since most of the population, both living under the IS rule or not, did not share the same ideological background or goals of the Islamic State, one of the main ambitions for IS was to “win hearts and minds.”⁶⁴ The best way to do so was to use effective governance as a propagandistic tool. As IS marketed itself as the hegemonic actor in the broad jihadist spectrum, foreign involvement was a key feature in IS’s strategic goals. IS published several online magazines such as *Islamic State News*, *Islamic State Reports*, *Dabiq*, and *Rumiyah*. Internal propaganda was managed by several means such as video, radio, loudspeakers, newspaper, etc.,⁶⁵ while external propaganda was mainly managed by the internet, in particular using the deep web. The Islamic State published a total of 35 different issues as glossy magazines divided as shown in Table 2.

Several articles from the different magazines which IS published in English concerned governance. In the first issue of *Islamic State News*, most articles regarded military operations across Syria. In this first issue, however, there also appeared the first article regarding governance

⁶¹ Harleen K. Gambhir, “Dabiq: The Strategic Messaging of the Islamic State,” Institute for the Study of War, 15 August 2014, 2, https://www.understandingwar.org/sites/default/files/Dabiq%20Backgrounder_Harleen%20Final.pdf.

⁶² Charlie Winter, “Totalitarian Insurgency: Evaluating the Islamic State’s In-Theater Propaganda Operations,” Center for Irregular Warfare and Armed Groups Case Studies, April 2017. <https://digital-commons.usnwc.edu/ciwag-case-studies/15/>.

⁶³ Ibid., 37.

⁶⁴ Greg Simons, “Islamic Extremism and the War for Hearts and Minds,” *Global Affairs* 2, no. 1 (2016): 91–99.

⁶⁵ Winter.

Table 2 Data retrieved from Ingram (2018)

Number of Issues of Islamic State online magazines published in English			
Islamic State News	Islamic State Report	Dabiq	Rumiyah
3	4	15	13

system entitled “Aid distribution.” The second issue concerned arguments related to IS governance. The cover story of issue 2 was entitled “Trade flourishes under the rule of the Islamic State,” and the whole issue concerned IS’s economic and political strategies. If issue 3 was more focused on military operations, when *Islamic State Report* was released in June 2014, governance again became one of the most prominent topics in IS propaganda strategies. Issue 1 of *Islamic State Report* dedicated two articles to the topic of consumer protection in Raqqa, featuring an interview with the head of the consumer office. As stated by Ingram, “such strategy is designed to personalize, humanize and give credibility to IS’s governance efforts.”⁶⁶ The second issue of *Islamic State Review* is fully focused on IS’s governance. The cover story regards agriculture and IS’s success in the harvest, while another article concerned the role of the Islamic State police in Raqqa. Issue 3 coincides with the conquest of Mosul and is fully dedicated to the military efforts of IS militants. The last issue of *Islamic State Review* exposed one of the main topics in IS ideology: the alleged destruction of the Sykes–Picot borders between Syria and Iraq imposed after World War I by the British and French. *Islamic State News* and *Islamic State Report* showed a first attempt from IS to attract foreigners using rebel governance as a key feature in so doing. However, very few issues were published, and both magazines were replaced with *Dabiq*.

The structure of the magazine *Dabiq* remained similar to that of the first two magazines. Issue 3, entitled “A call to hijrah” featured a formal call to foreign fighters to move to Islamic State territories, underlining

⁶⁶ Haroro J. Ingram, “Islamic State’s English-Language Magazines, 2014–2017: Trends & Implications for CT-CVE Strategic Communications,” International Centre for Counter-Terrorism, 12 March 2018, <https://doi.org/10.19165/2018.1.03>, 9.

that migration to Iraq and Syria was a duty if one wanted to be considered a “true believer.” Moreover, the article “Da’wah and Hisbah in the Islamic State” states that IS “fights to defend Muslims, liberate their lands, and bring an end to the tawaghit, while simultaneously seeking to guide and nurture those under its authority and ensure that both their religious and social needs are met.”⁶⁷ The article is accompanied by pictures showing IS activities in destroying tobacco stocks or conducting proselytisation to the local population. Moreover, the call for foreigners appeared in this issue of *Dabiq* was issued not only to fighters, but to civilians as well. Explicitly, IS called “every Muslim professional who delayed his jihād in the past under the pretence of studying Shari’ah, medicine, or engineering, etc., claiming he would contribute to Islam later with his expertise, should now make his number one priority to repent and answer the call to hijrah, especially after the establishment of the Khilāfah.”⁶⁸ Issue 4 is directly connected with the previous one. If foreign migration to Syria and Iraq was the key topic in the third issue, the next one explains the field successes of IS in the realms of governance as a way to attract foreigners to its territories. In its report on page 18, IS underlines the birth of two new provinces. In this article it emphasises the breakdown of Sykes–Picot border through IS control of two new provinces, the *Wilayat al-Furat* comprising the city of Albu Kamal in Iraq and the city of al-Qa’im in Syria. As shown in the pictures included in the *Dabiq* issue, the Islamic State showed checkpoints, patrol police, and images from a market in al-Furat, as well as images of military operations in Fallujah. Later in this issue, IS showed “a window into the Islamic State,” in which the main focus regarded activities such as restoring electricity, bridge repair, street cleaning services, and a picture of a young child hanging an IS flag in the hospital for cancer treatment and care home in Niniwe.⁶⁹ In this issue the role of administering the state is particularly relevant. While considering the arrival of several foreign individuals to fight for the Islamic State, the issue of *Dabiq* states that

⁶⁷ “A Call to Hijrah”, *Dabiq* issue 3, 10 September 2014, 16.

⁶⁸ *Ibid.*, 26.

⁶⁹ “The Failed Crusade,” *Dabiq*, issue 4, 11 October 2014, 27–29.

they've come to understand that a state cannot be established and maintained without ensuring that a portion of the sincere soldiers of Allah look after both the religious and worldly affairs of the Muslims. So they've manned their administrative posts, and have set out to establish, support and maintain numerous institution that the Muslims have come to rely on in their daily lives.⁷⁰

Dabiq's fifth issue is the most important in highlighting rebel governance. This issue focuses on the concept, as Ingram underlines,⁷¹ of "remaining and expanding," reinforcing the existing mechanism of governance in the territories IS controlled and stressing the importance of expanding its territories. In this regard, IS promoted new groups that pledged loyalty to it in Africa and dedicated an article to a discussion of the currency in Syria and Iraq. The minting of new currency served, as stated by the author's article, to "disentangle the Ummah from the corrupt, interest-based global financial system."⁷² In this regard, IS tried to attract new citizens, and fighters, to its territories with two strategies: the first focusing on ideology—the concept of "hijrah" as a duty for true believers, while the second is stressing the capacity of the Islamic State leadership to administer its territories.

The publications of *Dabiq*, and later of *Rumiyah*, followed the same trajectory of IS military operations. While expanding, IS propaganda was focused on the battlefield and its successes in rebel governance. With the intensification of the US-led coalition airstrikes and the rapid change of the on-the-ground balance of power among groups and Syrian governmental forces, IS also changed the topic of its propaganda. Issue 6 of *Dabiq*, published at the end of December 2014, was at the peak of IS expansion in Syria.⁷³ A few months before, in September, IS's military had attacked the Kurdish city of Kobane on the Syrian-Turkish border, and in January the siege ended with an IS defeat. In this issue, IS showcased its military capabilities and included articles about

⁷⁰ Ibid., 28.

⁷¹ Ingram, 16.

⁷² "Remaining and Expanding," *Dabiq*, issue 5, 21 November 2014, 18.

⁷³ Wilson Center. 2019. Timeline: The Rise, Spread, and Fall of the Islamic State. <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>.

different terrorist attacks in Europe and Australia; no mention on IS rebel governance was made in this issue.⁷⁴ Issue 7 also does not mention anything regarding the Islamic State successes in rebel governance; rather, it focused on military operations in Syria and dedicated the section “Reports” to a long interview with a supposed Israeli spy.⁷⁵ In the next issues, IS dedicated progressively less space to rebel governance, focusing more on military operations and promoting terrorist attacks outside Syria and Iraq. Nevertheless, issue 7 dedicated an article to public morality and punishment. On page 42, a report entitled “Clamping down on sexual deviance” remarks the “downward spiral of sexual deviance and immorality,”⁷⁶ emphasising “the Islamic State continues its efforts against these deeds of misguidance – which Western ‘Civilisation’ regards as a part of their ‘values’ – by implementing the rulings of Allah on those who practice any form of sexual deviancy or transgression.”⁷⁷ Issue 8 of *Dabiq* stressed the necessity of migrating to IS-controlled territories or of operating abroad by conducting terrorist attacks. Another example of this strategy, promoting domestic terrorism instead of governance successes, appears in issue 12 in which IS celebrated the 2015 Paris terrorist attack occurred. Ingram noted that in issue 13 “there is a particular focus [...] on enflaming sectarian tensions,”⁷⁸ emphasising the San Bernardino and Paris terrorist attacks.

The last magazine analysed in this chapter is *Rumiyah*. IS seemed to use this magazine to shift its focus from military operations and governance issues to terrorism, violence, and general military operations. In only three issues did IS highlight the importance of rebel governance, publishing interviews with government officials and top-ranking military personnel.⁷⁹ In this regard, IS focused more on battle-related news and articles due to the difficulties the Islamic State was facing on the

⁷⁴ “Al-Qa’idah of Waziristan. A Testimony from Within”, *Dabiq* issue 6, 29 December 2014.

⁷⁵ “From Hypocrisy to Apostasy. The Exstinction of the Greyzone”, *Dabiq* issue 7, 12 February 2015.

⁷⁶ *Ibid.*, 42.

⁷⁷ *Ibid.*, 43.

⁷⁸ Ingram, 20.

⁷⁹ Ingram, 22.

battleground, constantly being pushed back from its positions until its fall in the battle of Baghuz Fawqani.⁸⁰

The existence of a mechanism linking propaganda efforts to rebel governance, in particular how rebel governance is used as a propaganda tool, it has been also confirmed by Marta Furlan and Matthew Bamber in two interviews I have conducted for triangulation. Furlan argues that

The provision of electricity, water, healthcare... these are all activities that the Islamic State presented in its newsletters to convince individuals to immigrate to the IS' territories, to reinforce its representation of competent governor. Another case that it has been used several times it was the idea to present itself as a non-corrupted actor, in particular in opposition to the Iraqi and Syrian regimes. The IS underlined its ability to provide governance activities in comparison to the previous system.⁸¹

According to Furlan, the same mechanism was used by other rebel groups such as al-Qaʿida in Yemen,

that used these mechanisms to emphasize its success in governance activities toward local population, in particular in the case of al-Qaeda in Yemen, because it was less aimed at attracting professionals from abroad. Even then there, however, we see the fact of trying to use governance efforts as a legitimization mechanism that works very well in countries like Iraq, Syria, Yemen, where the regime that existed before the arrival of these groups had governance capabilities very limited.⁸²

Furlan claimed that the use of governance as a propaganda tool for internal and external legitimisation depends on the period of analysis. At the beginning, when IS was building its own system of governance, this mechanism was rarely used, as well as in the end when IS was facing intensive military operations against its territories. However, in the interim, they stabilised and created systems of governance. Looking again at IS magazines in English, *Rumiyah* dedicated less space on its pages to

⁸⁰ For a timeline of the Syrian Civil War refer to Itamar Rabinovich and Carmit Valensi, *Syrian Requiem: The Civil War and Its Aftermath* (Princeton: Princeton University Press, 2021).

⁸¹ Author's interview with Dr. Marta Furlan, February 24, 2022.

⁸² Ibid.

rebel governance activities since it was facing military operations at the time of publication.

Similar to Furlan, Bamber argues that IS used governance as a propaganda instrument depending on the related general military situation. In this regard, Bamber claims that

at its peak of governance, IS devoted much of its propaganda efforts to laud its state-building efforts, even creating entire specific documentary series that focused on these specific aspects of Islamic State. As its territory decreased however, IS focused less on governance and interestingly it started to share the successes of its provinces outside of Iraq and Syria.⁸³

Both internally and externally, Bamber argues that IS used governance as it “attempted to sell itself as a legitimate competitor to contemporary nation-states.”⁸⁴

The articles presented in this section of the chapter regarding the services provided by the Islamic State when it ruled territories across Iraq and Syria seem to demonstrate the existence of a mechanism that linked rebel governance and propaganda to the willingness of the IS to present itself as a reliable actor to local civilians and foreign citizens.

Conclusions

I have argued that the Islamic State built its system of governance as a rebelocracy since it had long-term goals and since there were, in Syria and Iraq, weak pre-existing institutions. In this regard, the Islamic State developed an ambitious and highly bureaucratised system of governance, fully fitting in the Arjona's definition of rebelocracy. IS managed different spheres of civilian life, imposing its rule in various sectors such as rule of conduct, health management, infrastructure, economy, security, education, etc. The governance built by the Islamic State, as argued, served three main purposes: first, the necessity to gain funding, since it did not

⁸³ Author's conversation with Dr. Matthew Bamber, 7 March 2022.

⁸⁴ Ibid.

attract any sort of foreign governmental funding as many rebel groups do. Second, as reported by Winter, the governance instituted by IS was useful to “bolster the perception that their ‘state’ was as contiguous as it was transnational,”⁸⁵ since IS’s main goal was to create, or re-create, a borderless state in the Middle East and other territories it claimed as part of its rule, in particular in Caucasus and Africa. Rebel governance in Iraq and Syria served as the starting point for an ambitious expansionist plan, stopped by the Russia and Iran-backed Syrian government and Iraqi governmental forces, other rebel groups fighting IS, and the US-led coalition airstrikes. Finally, IS governance served as a useful tool to demonstrate to the population living under IS rule the insurgents’ capacity to operate as a state. IS used its success in rebel governance as a propaganda instrument with locals and foreigners. It has been difficult to analyse how IS propaganda on governance influenced the local population,⁸⁶ but it has been possible to understand how IS used governance to influence foreign individuals. I have analysed the magazines published by the Islamic State for English speakers, at it was clear how IS dedicated large sections of its magazines to explaining and showing its successes in rebel governance, ranging from showcasing successes in education to the provision of public goods. The main goal was to attract foreign recruits or individuals to join IS military operations or to live under Islamic State’s control, showing a distorted image of its rule in Syria and Iraq. The scholars I have interviewed, Marta Furlan and Matthew Bamber, confirmed my argument that Islamic State used rebel governance activities to promote internal legitimisation, towards civilians living inside its territories, and external legitimisation, direct towards individuals living in Syria and Iraq outside its territories and abroad.

Still, the topic of rebel governance and, in particular IS’s form of governance, is an understudied topic. Further research should shed light on variations of rebel governance in different provinces of IS territories. Did variations exist among local provinces? Which kind of governance was instituted? Were there differences between IS governance in Syria

⁸⁵ Winter.

⁸⁶ At the time of writing, the restrictions imposed by the COVID-19 pandemic made impossible any fieldwork research.

and Iraq and the other groups which pledged allegiance to IS in other countries of Africa and Middle East? Such topics could help us understand how IS operated in the realm of rebel governance in order to increase general knowledge on a still underdeveloped topic. Moreover, it is necessary to develop knowledge about how rebels use governance as a propaganda tool to gain internal and external legitimisation, comparing different rebel groups that engaged in local governance.

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Competitive Rebel Governance in Syria

Regine Schwab

Introduction

How do rebel groups position themselves in multiparty civil wars in which numerous groups not only fight against a common enemy but also compete with each other for support, recruits, and resources? Previous literature has focused on violent rivalry as the main reaction to inter-rebel

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competition.¹ Groups strive to eliminate rivals because they compete for scarce military, political, human, economic, and symbolic resources. Yet, infighting can be ineffective and costly.² It takes resources away from the main fight and can drive away potential supporters. In line with this observation, recent literature has focused on the non-violent strategies groups use to manage competition with rivals.³ One can expect non-violent (although not necessarily non-coercive) strategies to be particularly relevant when groups try to gain legitimacy and support from diverse target groups, such as external actors or domestic constituencies. The former relates, for instance, to rebel diplomacy,⁴ while the latter relates to rebel governance. The literature on rebel governance has grown

¹ Kristin M. Bakke, Kathleen Gallagher Cunningham, and Lee J. M. Seymour, "A Plague of Initials: Fragmentation, Cohesion, and Infighting in Civil Wars," *Perspectives of Politics* 10, no. 2 (2012): 265–283; Kathleen Gallagher Cunningham, Kristin M. Bakke, and Lee Seymour, "Shirts Today, Skins Tomorrow: Dual Contests and the Effects of Fragmentation in Self-Determination Disputes," *Journal of Conflict Resolution* 56, no. 1 (2012): 67–93; Hanne Fjelde and Desiree Nilsson, "Rebels against Rebels: Explaining Violence between Rebel Groups," *Journal of Conflict Resolution* 56, no. 4 (2012): 604–628; Emily Kalah Gade, Mohammed M. Hafez, and Michael Gabbay, "Fratricide in Rebel Movements: A Network Analysis of Syrian Militant Infighting," *Journal of Peace Research* 56, no. 3 (2019): 321–335; Mohammed M. Hafez, "Fratricidal Rebels: Ideological Extremity and Warring Factionalism in Civil Wars," *Terrorism and Political Violence* 32, no. 3 (2020): 604–629; Peter Krause, *Rebel Power: Why National Movements Compete, Fight, and Win* (Ithaca, NY: Cornell University Press, 2017); Jannie Lilja and Lisa Hultman, "Intraethnic Dominance and Control: Violence Against C-Ethnics in the Early Sri Lankan Civil War," *Security Studies* 20, no. 2 (2011): 171–197; Constantino Pischedda, "Wars Within Wars: Why Windows of Opportunity and Vulnerability Cause Inter-rebel Fighting in Internal Conflicts," *International Security* 43, no. 1 (2018): 138–176; Jonah Schulhofer-Wohl, "On-Side Fighting in Civil War: The Logic of Mortal Alignment in Syria," *Rationality and Society* 32, no. 4 (2020): 402–460.

² Kristine Eck, "Fighting Our Friends Instead of Our Enemies: Explaining Armed Conflict Between Rebel Groups," Conference Paper presented at the 51st Annual Meeting of the International Studies Association, 17–20 February 2010, New Orleans; Mohammed M. Hafez, "Fratricidal Jihadists: Why Islamists Keep Losing Their Civil Wars," *Middle East Policy* 25, no. 2 (2018): 86–99.

³ Efe Tokdemir et al., "Rebel Rivalry and the Strategic Nature of Rebel Group Ideology and Demands," *Journal of Conflict Resolution* 65, no. 4 (2021): 729–758; Regine Schwab, "Escalate or Negotiate? Constraint and Rebel Strategic Choices Towards Rivals in Civil Wars," *Terrorism and Political Violence* 0, no. 0 (2021): 1–20.

⁴ Bridget L. Coggins, "Rebel Diplomacy: Theorizing Violent Non-State Actors' Strategic Use of Talk," in *Rebel Governance in Civil War*, eds. Ana Arjona, Nelson Kafsir, and Zachariah Mampilly (New York: Cambridge University Press, 2015): 98–115; Reyko Huang, "Rebel Diplomacy in Civil War," *International Security* 40, no. 4 (2016): 89–126.

tremendously in recent years.⁵ However, existing research has mostly focused on governance provided by one (the dominant) group. Going beyond this, I have shown that administrative and judicial bodies are also established in the context of multiple competing groups.⁶ When the literature has considered governance provision by several actors, it has usually focused on parallel organisations that compete with each other. In this chapter, I analyse joint governance efforts by militant Islamist groups in Northwestern Syria and the ways how these groups have tried to differentiate themselves from their rivals mostly by non-violent means.

In multiparty civil wars, the degree of conflict and cooperation between rebel groups is expected to systematically differ depending on the domain of their interaction. At the most basic level, we can distinguish between military activities (the fight against the main enemy) and governing activities such as service provision, administration, as well as judiciary, and police. The military domain is characterised by high degrees of cooperation between groups that fight on the same side of a conflict. This is the case since the conflict with the main enemy entails the risk of losing territory or even defeat, but also the chance for increased territorial control or even collective victory. Beyond threats to survival, it is also the more general situation of a multiparty civil war that brings about the need for military cooperation, since by definition a single group only has a small chance of winning the war or even single battles by itself. Groups start to turn against each other when military pressure (temporarily) decreases or when victory becomes an option.⁷

In contrast, in the domain of governance, there is a large degree of conflict and competition from the outset because rebel groups struggle with each other for hegemony over the (joint) institutions in order

⁵ Ana Arjona, Nelson Kasfir, and Zachariah Mampilly, *Rebel Governance in Civil War* (New York: Cambridge University Press, 2015); Nelson Kasfir, "Guerrilla Governance: Patterns and Explanations," APSA 2009 Toronto Meeting Paper, 13 August 2009, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1449105; Zachariah Mampilly, *Rebel Rulers: Insurgent Governance and Civilian Life during War* (Ithaca, NY: Cornell University Press, 2011); Megan Stewart, *Governing for Revolution: Statebuilding in Civil War* (New York: Cambridge University Press, 2020).

⁶ Regine Schwab, "Insurgent Courts in Civil Wars: The Three Pathways of (Trans)Formation in Today's Syria (2012–2017)," *Small Wars and Insurgencies* 29, no. 4 (2018): 801–826.

⁷ Krause; Pischedda; Schulhofer-Wohl; Schwab, "Escalate or Negotiate?"

to become recognised as the legitimate ruler by a population. Part of this struggle for control is the attempt to implement their ideological agenda. In the current period, this seems particularly relevant for jihadist groups.⁸ A growing volume of literature analyses these groups' activities and performance in the governance domain.⁹ However, existing research on rebel governance in general and on jihadist governance in particular has mostly focused on governance provided by one group. In this article, I look at competitive governance—governance provided by more than one group in the same geographical area to the same or an overlapping constituency. I focus on the interactions between *Jabhat al-Nusra li-Ahl al-Sham Min Mujahideen al-Sham fi Sahat al-Jihad* (The Victory Front for the People of the Levant by the Mujahideen of the Levant in the Places of Jihad, abbreviated here as Jabhat al-Nusra or JN) and *Harakat Ahrar al-Sham al-Islamiyya* (the Islamic Movement of the Free Men of Syria, abbreviated here as Ahrar al-Sham or Ahrar) in the governance domain in Northwestern Syria. There is already a substantial literature on governance provided by ISIS.¹⁰ Being two of the oldest insurgent groups, JN and Ahrar were not only the most important actors within the armed opposition in Northwestern Syria, but they also played a prominent role in attempts at specifically Islamist governance. In this chapter, I trace how they managed competition with each other and other rivals in the provision of governance based on interviews I conducted with members of major armed groups, local experts, civil activists, members of local councils and courts, as well as religious clerics in 2017 and 2018. I also build upon a large collection of primary documents relating to insurgent dynamics of interaction in the Syrian war. The analysis of this rich

⁸ The historical role model for this is the Chinese Communist Party. See Stewart.

⁹ Aisha Ahmad, "The Long Jihad: The Boom-Bust Cycle behind Jihadist Durability," *Journal of Global Security Studies* 6, no. 4 (2021): 1–16; Michael Weddegjerde Skjelderup, "Jihadi Governance and Traditional Authority Structures: Al-Shabaab and Clan Elders in Southern Somalia, 2008–2012," *Small Wars and Insurgencies* 31, no. 6 (2020): 1174–1195; Isak Svensson and Daniel Finnbogason, "Confronting the Caliphate? Explaining Civil Resistance in Jihadist Proto-States," *European Journal of International Relations* 27, no. 2 (2021): 572–595.

¹⁰ Matthew Bamber, "'Without Us, There Would Be No Islamic State': The Role of Civilian Employees in the Caliphate," *CTC Sentinel* 14, no. 9 (2021), <https://ctc.usma.edu/without-us-there-would-be-no-islamic-state-the-role-of-civilian-employees-in-the-caliphate/>; Mara Redlich Revkin, "What Explains Taxation by Resource-Rich Rebels? Evidence from the Islamic State in Syria," *The Journal of Politics* 82, no. 2 (2020), <https://doi.org/10.1086/706597>.

material shows that JN and Ahrar put forward quite different models of governance that led to recurring conflicts within the joint governance bodies without erupting into large-scale violence. JN in the initial years stood for a more hard-line, jihadist approach that neglected local specificities, while Ahrar was much closer to the local population and emerged as a viable local alternative.

The chapter first discusses theoretical debates on the dynamics of rebel interaction in multiparty civil wars and ways to manage intergroup competition. It then delves into the empirics and analyses competitive rebel governance in Syria by focusing on the central armed actors in Northwestern Syria, Ahrar al-Sham and JN.

Ideological Differentiation

Previous literature on multiparty civil war has focused on violent rivalry as the main way for rebels to manage intergroup competition. Yet, infighting can be counterproductive. It could jeopardize group survival and divert resources from the main fight. Furthermore, insurgent groups usually have several relevant audiences. While certain actors, such as potential recruits, might be impressed by the strength and resolve a group shows by attacking a rival, other actors, such as certain external actors and local civilians will react negatively to inter-rebel violence. Hence, groups might also pursue non-violent strategies like differentiating themselves from ideological rivals through communication and actions.¹¹

Building upon Schwab,¹² Islamist rebel groups can differentiate themselves from rivals by their positions along two fundamental dimensions—a “territorial” dimension—what (imagined) territory a group fights for and a “socio-political” dimension—the way it relates to the Muslim population, the state, and the political system, as well as the international order. In relation to rebel governance, particularly a group’s

¹¹ Regine Schwab, “Does Ideological Differentiation Work? Ahrar al-Sham as Winner and Loser in the Syrian Civil War,” *Journal of Global Security Studies* 8, no. 1 (2023); Tokdemir et al.

¹² Schwab, “Does Ideological Differentiation Work?”

societal orientation is relevant, which can range from pragmatist to purist. Concerning the former, on the pragmatic end, groups prefer integration with society and see *fitna* (civil strife) as detrimental to their cause. Hence, they are willing to work with actors who do not share their creed. On the purist end, groups see themselves as the “vanguard” of true believers and engage in excessive violence against other Muslims through a broad application of takfir.¹³ They also tend to declare an Islamic State or a Caliphate.

To summarise, ideological differentiation can be used as an alternative to or jointly with violent means in order to manage competition with rivals. Differentiation by moderating one's positions is expected to be particularly relevant when groups aim to gain legitimacy and support from civilian constituencies. Hence, groups likely use this strategy when they compete with others over controlling and governing civilians which I call competitive rebel governance.

Competitive Rebel Governance

Existing research on rebel governance has mostly focused on governance provided by one group.¹⁴ Where governance is shaped by multiple actors, additional levels of analysis are needed. Terms such as multi-layered or multi-level,¹⁵ complementary,¹⁶ parallel,¹⁷ and competitive

¹³ Anne Stenersen, “Jihadism after the ‘Caliphate’: Towards a New Typology,” *British Journal of Middle Eastern Studies* 47, no. 5 (2020): 780–781.

¹⁴ But see Schwab, “Insurgent Courts in Civil Wars.”

¹⁵ Nelson Kasfir, George Frerks, and Niels Terpstra, “Introduction: Armed Groups and Multi-Layered Governance,” *Civil Wars* 19, no. 3 (2017): 257–278.

¹⁶ Annette Idler and James Forest, “Behavioral Patterns among (Violent) Non-State Actors: A Study of Complementary Governance,” *Stability: International Journal of Security and Development* 4, no. 1 (2015): 1–19.

¹⁷ Shalaka Thakur and Rajesh Venugopal, “Parallel Governance and Political Order in Contested Territory: Evidence from the Indo-Naga Ceasefire,” *Asian Security* 15, no. 3 (2019): 285–303.

governance,¹⁸ as well as mediated stateness,¹⁹ have been used to describe relations between rebel groups, states, and other non-state (armed) governance providers: “Multi-layered, or multi-level, governance is conceived, first as a system in which the parts are supposed to engage together and second, as one in which cooperation is a shared norm, whether or not it exists.”²⁰ This is a problematic assumption in the context of civil war. Here, a recurring state of competition between governing actors is a much more plausible scenario, although it does not necessarily translate into violent rivalry. The phrase “oligopolies of violence” might be more fitting, which refers to a “fluctuating number of partly competing, partly cooperating actors of violence.”²¹ These constellations are associated with a relatively high level of violence since each violent actor has to signal its credibility. However, oligopolies can also take more structured forms (such as territorial and functional oligopolies), which tend to be less violent.²²

The phrase competitive governance has mostly been used to analyse competition between rebel groups and the incumbent state which the former challenge through violence and the provision of governance.²³ One of the few exceptions, described by Idler and Forest,²⁴ focuses on relations between violent non-state actors (VNSAs) in the Andean border region and shows that they do not only compete, but also cooperate and make tacit non-interference agreements to provide public goods. Such

¹⁸ Alexis G. Grynkeiwich, “Welfare as Warfare: How Violent Non-State Groups Use Social Services to Attack the State,” *Studies in Conflict and Terrorism* 31, no. 4 (2008): 350–370; Victor Asal, Shawn Flanigan, and Ora Szekely, “Doing Good While Killing: Why Some Insurgent Groups Provide Community Services,” *Terrorism and Political Violence* 34, no. 4 (2022): 835–855; Mara Redlich Revkin, “Competitive Governance and Displacement Decisions Under Rebel Rule,” *Journal of Conflict Resolution* 65, no. 1 (2021): 46–80; Benedetta Berti, “From Cooperation to Competition: Localization, Militarization and Rebel Co-Governance Arrangements in Syria,” *Studies in Conflict and Terrorism* (2020): 1–19.

¹⁹ Nora Stel, “Mediated Stateness as a Continuum: Exploring the Changing Governance Relations between the PLO and the Lebanese State,” *Civil Wars* 19, no. 3 (2017): 348–376.

²⁰ Kasfir, Frerks, and Terpstra, “Introduction”: 263.

²¹ Andreas Mehler, “Oligopolies of Violence in Africa South of the Sahara,” *Nord-Sud Aktuell* (2004): 539.

²² *Ibid.*: 545.

²³ Grynkeiwich; Asal, Flanigan, and Szekely; Revkin, “Competitive Governance and Displacement Decisions Under Rebel Rule.”

²⁴ Idler and Forest.

“complementary governance” can take three forms: transactional supply chain relationships, pacific coexistence, and strategic alliances. In transactional supply chain relationships, VNSAs operate in segmented territories with each group exercising economic, social, or political control in its respective territory: “This *modus operandi* arises from the division of labor within the supply chain in which each group takes over specific functions. Enabling all parties to draw on their comparative advantages, this specialization helps increase profits from the different supply chain stages.”²⁵ In contrast, under conditions of pacific coexistence, groups relate to each other based on tacit agreements of non-aggression and non-interference in each other’s affairs. Each group assumes separate governance functions: “Still, governance is complementary because, rather than competing with each other, groups arrange themselves in a way which allows all actors to exert illicit authority by providing public goods, assuming control over the private use of violence, and by earning social recognition.”²⁶ Finally, strategic alliances are a different form of complementary governance. Here, VNSAs share intelligence and resources over a longer period. In this case, “complementary governance rests on the joint provision of public goods and the joint control of the means of violence as if it were one single actor.”²⁷ While strategic alliances might be more frequent in the military domain, they are likely exceptional in the provision of governance because the constant struggle between rebel groups over hegemony makes stable alliances untenable.

What are the implications of these constellations of complementary governance for recognition by the local population and relations among groups? Idler and Forest have remarked that VNSAs can achieve recognition easiest in transactional relationships for the particular function they assume. In pacific coexistence, recognition is more difficult to achieve because the VNSAs operate in the same territory. Hence, complementary governance in this form is much more fragile and can easily transform into open competition. Finally, in strategic alliances, local residents may perceive the participating groups as one actor, which is recognised as the

²⁵ Ibid.: 8.

²⁶ Ibid.: 9.

²⁷ Ibid.: 10.

legitimate ruler. This might have a downside, however: “if group identities are blurred and no clear new joint identity emerges, residents have difficulties in identifying a certain group and thus developing loyalties to it. As a consequence, social recognition becomes unachievable.”²⁸

There can also be parallel governance structures in the same territory with different degrees of coordination between (non-)state actors. Analysing the case of Nagaland in Northeast India, Thakur and Venugopal²⁹ find that some structures (primarily security) are parallel and coordinated. Other institutions such as the judiciary and police are parallel but uncoordinated. To some extent, this gives local civilians the possibility to choose among their preferred governance provider and institution.

Jihadist Rebel Governance

Should we expect specific features of competitive governance in which jihadist groups are involved? According to Li,³⁰ the challenge is “how to understand the distinctiveness of jihadi groups without lapsing into an all-too-often racialized exceptionalism.” Jihadism, like related terms such as Islamism and political Islam, is a loaded and contentious term in public discourse. I understand jihadists here as a specific type of Sunni Islamist militants who advocate armed struggle (jihad) in three main forms: revolutionary, which is directed at nominally Muslim regimes perceived as illegitimate; classical (fighting to defend and/or reclaim Muslim land from non-Muslim aggression or occupation); and global (fighting “the infidels” with all means whenever and wherever

²⁸ Ibid.: 11.

²⁹ Thakur and Venugopal, 299–300.

³⁰ Darryl Li, “A Jihadism Anti-Primer,” *MERIP* no. 276 (5 December 2015), <https://merip.org/2015/12/a-jihadism-anti-primer/>.

deemed necessary).³¹ While these types are useful to distinguish political behaviour, Hegghammer³² has also noted an increasing hybridisation since the early 2000s, as a result of which global jihadist groups have become more revolutionary and revolutionaries have become more global jihadist. There are also “born hybrids” with enemy hierarchies ambiguous from the beginning.

According to Lia,³³ jihadi state-building and governance are unpromising and radical because such acts represent a bid for increased power and influence vis-à-vis rival Islamists and are dependent on external constituencies. Competition with Islamist rivals makes it more difficult for groups to compromise, since this would risk losing key international constituencies such as foreign fighters and external supporters. Lia explains:

Unlike ethnic diaspora communities who are bound to their homeland and its local struggles, the jihadi sympathizers have multiple choices about ‘which jihad’ they would like to support and where to travel as foreign fighters. A jihadi insurgent group whose enforcement of shari‘a is half-hearted and whose commitment to jihad is compromised by peace talks with the enemy will not attract ideologically committed foreign fighters. Hence, the radical agenda of external constituencies may therefore easily overrule local preferences in situations when the prospects of increased territorial control should have encouraged local rebels to adopt a more moderate posture.³⁴

However, in practice such groups are influenced by local dynamics and conflicts, even though their global rhetoric may downplay them. They “remain rooted in local cleavages.”³⁵ Although affiliated with global

³¹ Thomas Hegghammer, “Jihadi Salafis or Revolutionaries? On Theology and Politics in the Study of Militant Islamism,” in *Global Salafism: Islam’s New Religious Movement*, ed. Roel Meijer (New York: Columbia University Press, 2009).

³² Thomas Hegghammer, “The Ideological Hybridization of Jihadi Groups,” *Current Trends in Islamist Ideology* 9 (2009): 33–34.

³³ Brynjar Lia, “Understanding Jihadi Proto-States,” *Perspectives on Terrorism* 9, no. 4 (2015): 31–41.

³⁴ *Ibid.*: 37.

³⁵ M. Bøås, A. W. Cissé, and L. Mahamane, “Explaining Violence in Tillabéri: Insurgent Appropriation of Local Grievances?,” *The International Spectator* 55, no. 4 (2020): 120.

jihadism, Sunni Islamist militants often become active in specific regions where they hope to build alliances due to pre-existing networks and affinities.

Next to ideology, local dynamics influence the kind of services these groups provide and the types of institutions they build, as well as their treatment of civilians.³⁶ This results in significant differences among Islamist militant groups. The Islamic State West Africa Province (ISWAP), which broke away from Boko Haram in 2016, eventually outcompeted it, at least in part due to its claim of being more benevolent towards civilians than Boko Haram.³⁷ Another example is the competing governance provided by the Katiba Macina and the Islamic State in the Greater Sahara (ISGS) in Central Mali. While implementing shari‘a, the former sometimes refrained from applying the most severe forms of punishment. It also kept the traditional customary system regulating access to land but reduced the fees that had to be paid in order to gain access to pasture. ISGS that sought to expand its influence in the same area, criticised the Katibat Macina for not using corporal punishment, and accused it of not implementing Islamic law properly. ISGS offered a more revolutionary alternative by emphasising the collectivisation of land to earn support from lower Fulani classes.³⁸ In a similar vein, Bouhlel and Guichaoua³⁹ find that the al-Qa‘ida linked Ansar Dine group in Mali limited violence based on the adoption of local Islamic jurisprudence, while the Movement for Unity and Jihad in West Africa (MUJAO) used corporal punishment despite opposition from influential imams and local youth movements. Stark differences also appeared between ISIS and JN in Syria. While both wanted to create an Islamic state, they pursued different strategies to achieve this aim. While ISIS sought to create and expand its military and administrative hegemony

³⁶ Natasja Rupesinghe, Mikael Naghizadeh, and Corentin Cohen, “Reviewing Jihadist Governance in the Sahel,” Working Paper, 2021, <https://www.nupi.no/nupi/Publicasjoner/CRIStin-Pub/Reviewing-Jihadist-Governance-in-the-Sahel>.

³⁷ Alex Thurston, “Why Jihadists Are Collecting ‘Zakat’ in the Sahel,” *Political Violence at a Glance*, 12 July 2021, <https://politicalviolenceataglance.org/2021/07/12/why-jihadists-are-collecting-zakat-in-the-sahel/>.

³⁸ Rupesinghe, Naghizadeh, and Cohen, 13.

³⁹ Ferdaous Bouhlel and Yvan Guichaoua, “Norms, Non-Combatants’ Agency and Restraint in Jihadi Violence in Northern Mali,” *International Interactions* 47, no. 5 (2021): 855–872.

simultaneously, following a playbook it had developed earlier in Iraq, JN prioritised military action to fight the Syrian regime and secure its control over areas of strategic importance in Northwestern Syria. Consequently, and in sharp contrast to ISIS, this has entailed a relative neglect of and rather unsophisticated approach to civil governance in the earlier years of the Syrian conflict (until approximately late-2014), and JN's tending to administrative matters has followed a logic of spill over from military control and a logic of necessity. Furthermore, from the beginning of its governing endeavours, it has focused on the provision of crucial resources, such as water, electricity, and bread, which allowed it to generate income at the same time. This temporary distancing from administrative and service matters was to avoid a dispersion of power, as happened with the Islamic State of Iraq. This has also entailed a gradual build-up of control and the maintenance of positive or at least neutral relations with other opposition groups and local communities. This approach has changed since late 2016 when JN and its successor HTS started to openly monopolise governance structures.

This section has argued and provided anecdotal evidence that rebel rivalry does not necessarily make groups more radical, but might lead to a more pragmatic approach, especially when Islamist militants need the population's support against competitors or fear a destabilisation of their political order through social contestation.⁴⁰ However, existing literature still largely focuses on parallel attempts to provide governance.

In the following, I will analyse joint governance efforts by JN and Ahrar al-Sham in Northwestern Syria and the ways that these groups have tried to manage the ensuing competition between them over power, control, and popular support. I also show how they have used joint bodies such as shari'a committees and particularly the Executive Administration in Idlib as a tool to differentiate themselves from each other. This is a relevant endeavour, since these two groups—partly jointly and partly separately—controlled large swathes of territory and hundreds of thousands of civilians in Northwestern Syria. While there has been much recent literature on governance by ISIS, it is necessary to look at other

⁴⁰ Ibid.: 871.

important cases to gain a more complete picture of rebel governance in Syria.

Competitive Rebel Governance in the Syrian Insurgency

The Syrian war has been a highly fragmented conflict from the beginning, with several distinct zones of rebel control.⁴¹ I focus on North-western Syria (Northern Hama, Idlib, and Western Aleppo) in the following because it has been the longest existing and largest contiguous area of rebel control. It has also been the centre of the most powerful rebel groups, such as JN and Ahrar al-Sham, which will be briefly presented in the following.

Ahrar Al-Sham

The Ahrar al-Sham Battalions (later Movement) were founded by two different social groups within Syrian society: veterans from the Iraq war and other jihads abroad, and independent activists of a larger Islamist social movement.⁴² The group emerged in mid-2011 in the form of local cells in Hama, Idlib, and Homs that coordinated with each other and slowly institutionalised their relationships.⁴³ These cells shared the same goals and an Islamist worldview but differed in the details of how best to achieve their goals.⁴⁴

Through its prominent role in the early military operations against the Syrian regime in Idlib, Aleppo, and Raqqa, Ahrar acquired not only

⁴¹ For an overview of the middle years of the Syrian conflict, see Jasmine K. Gani and Raymond A. Hinnebusch, eds. *Actors and Dynamics in the Syrian Conflict's Middle Phase* (London: Routledge, 2022).

⁴² Jerome Drevon, "Politicising Jihad. Ahrar al-Sham in Syria," Chapter 4. Unpublished Manuscript.

⁴³ 171010_001. This code identifies interviews I conducted. The interviews are cited in full in the appendix.

⁴⁴ 170913_001.

internal recognition but also battlefield spoils, which made it an attractive partner for smaller groups. Joining Ahrar was relatively easy, as the group did not impose strict ideological requirements on local battalions and fighters.⁴⁵ According to one of its fighter in Idlib in 2017, for instance, Ahrar did not ban smoking.⁴⁶ Due to its relative wealth of resources, social networks, and reputation, Ahrar quickly gained the allegiance of local groups in most regions, including Eastern Ghouta and Daraa, although its influence in the latter—like that of Islamist militants in general—was relatively weak.

Concerning organisational structure, there are two basic types of armed groups in Syria. First, most groups were founded through the merger of several factions, but some groups merged fully in the sense that the constituent factions dissolved within the new organisation, while other groups remained rather loose, movement-like organisations. Ahrar belongs to the latter. It mostly incorporated pre-existing local groups rather than individual fighters.⁴⁷ Local factions had a large degree of autonomy and maintained their organisational structures and leaders and were responsible for their localities.⁴⁸ This loose system of integration of local factions did not change substantially in later periods. Apart from the initial mergers that formed the *Islamic Ahrar al-Sham Movement* in January 2013,⁴⁹ later additions were not integrated in any substantial way. Initially, this structure was an asset because it rendered the group less vulnerable to state repression and military setbacks. As the insurgency became more competitive, this structure became more and more

⁴⁵ Drevon: 188.

⁴⁶ 171105_005. This had been used as a screening mechanism by other jihadist groups such as JN and ISIS to ensure that only the most committed fighters joined them (Vera Mironova, *From Freedom Fighters to Jihadists: Human Resources of Non State Armed Groups* (Oxford: Oxford University Press, 2019): 90. However, JN had to ease membership requirements after the split with ISIS due to manpower problems (Rania Abouzeid, *No Turning Back: Life, Loss, and Hope in Wartime Syria* (London: Norton, 2018): 277–278.

⁴⁷ 170822_001.

⁴⁸ 171010_001.

⁴⁹ It emerged out of the Syrian Islamic Front which was formed in December 2012 by the Ahrar al-Sham Battalions and several smaller factions.

a liability because it aggravated a pre-existing internal divide between a more moderate, nationalist strand and a more hard-line, pro-JN strand.⁵⁰

Based on its geographical expansion and its acquisition of local affiliates, Ahrar, already in 2013, was considered one of the most important rebel groups in Syria next to ISIS and JN. It was able to generate funding from multiple sources, including from the Syrian diaspora, private Salafi financiers in the Gulf states, and later from Qatar and Turkey.⁵¹ It also generated resources domestically through battlefield spoils and taxes. From late 2014 until mid-2017, the Bab al-Hawa border crossing to Turkey, one of the two major crossings into the neighbouring country, was under the exclusive control of Ahrar al-Sham with which it generated monthly profits between \$4 and \$5 million.⁵² The group also charged vehicles at checkpoints the group controlled inside opposition-held territory and was involved in some industrial production projects.⁵³

Jabhat al-Nusra

Jabhat al-Nusra originated as the Syrian arm of the former al-Qaʿida in Iraq/the Islamic State in Iraq (ISI) organisation. At the direction of Abu Bakr al-Baghdadi, the leader of ISI, Abu Muhammad al-Jolani and other experienced jihadists arrived in Northeastern Syria in August 2011 to establish a Syrian branch. JN first appeared publicly in January 2012 and became increasingly active on the battlefield throughout that

⁵⁰ 170913_001; 171010_001.

⁵¹ Elizabeth Dickinson, "Playing with Fire: Why Private Gulf Financing for Syria's Extremist Rebels Risks Igniting Sectarian Conflict at Home," *Brookings Institution*, December 2013, <https://www.brookings.edu/research/playing-with-fire-why-private-gulf-financing-for-syrias-extremist-rebels-risks-igniting-sectarian-conflict-at-home/>; Thomas Pierret, "Brothers in Alms: Salafi Financiers and the Syrian Insurgency," *Carnegie Middle East Center*, 18 May 2018, <https://carnegie-mec.org/2018/05/18/brothers-in-alm-salafi-financiers-and-syrian-insurgency-pub-76390>.

⁵² 7al.net, "ħrka aħrār alshām.. mʿabr istrātyjya tdr mlāyyn aldūlārāt wnfqāt tqārb 2 mlyūn dūlār shhryā," *mwqʿ alhl*, 24 December 2016, <https://7al.net/2016/12/24/ħrka-āħrār-al-shām-mʿabār-astṛatējīyā-tḍr>; Bassem Mroue, "One of Syria's Most Powerful Rebel Groups Is Rebranding Itself with Turkey's Backing," *Business Insider*, 8 October 2015, <https://www.businessinsider.com/ahrar-al-sham-in-syria-and-turkey-2015-10>.

⁵³ 171105_005.

year. Initially, it expanded in the form of independent entities across the country which took orders from a central command based in Deir al-Zour. Reportedly, JN's financial situation was very good, which helped it to expand quickly. JN relied on internal and external sources of funding, such as spoils of war, taxes, and kidnapping for ransom, as well as support from individual sympathisers worldwide.⁵⁴ It also created a supportive popular base in Northern Syria through the services it provided to the civilian population.⁵⁵

In order to curb his increasingly independent Syrian cell, Baghdadi publicly announced in April 2013 that JN was part of ISI and that the two would merge into the expanded Islamic State in Iraq and al-Sham (ISIS). After Jolani rejected this order and swore allegiance to al-Qa'ida instead, months of conflict ensued in which JN struggled to maintain its independence. In July 2016, JN declared its split from al-Qa'ida and changed its name to Jabhat Fatah al-Sham, which many analysts saw as a ruse at that time.⁵⁶ According to internal testimonies, the intention was to maintain a secret connection to al-Qa'ida until a larger merger would allow for a true break with the global terrorist organisation. The latter materialised when Hayat Tahrir al-Sham (HTS) was formed in January 2017 as a merger between JN and several smaller groups.⁵⁷

JN belonged to the first type of organisation that emerged in Syria. It was founded as a *tanzim*, a tight and hierarchical organisation that was the result of a real merger between its constituent factions.⁵⁸ Hence, it was much more centralised in its structure than Ahrar. However, like Ahrar, it has a shura council, which is responsible for more long-term

⁵⁴ 170830_003; 180320_001.

⁵⁵ Nadhir Rida, "Syria Fighters: 70 Main Factions Control 60 Per Cent of the Geography; Capabilities of the Extremist Forces Compromise Plans to Train Moderates," *Al-Sharq al-Awsat*, 14 January 2015.

⁵⁶ Aymenn Jawad Al-Tamimi, "From Jabhat Al-Nusra to Hay'at Tahrir al-Sham," *Konrad Adenauer Stiftung*, June 2018, <http://www.aymennjawad.org/21396/from-jabhat-al-nusra-to-hayat-tahrir-al-sham>.

⁵⁷ Tore Refslund Hamming and Pieter van Ostaeyen, "The True Story of Al-Qaeda's Demise and Resurgence in Syria," *Lawfare*, 8 April 2018, <https://www.lawfareblog.com/true-story-al-qae-das-demise-and-resurgence-syria>.

⁵⁸ 170830_003.

and strategic decisions. While its decisions are not binding for the leader (as is the case with Ahrar al-Sham's shura council), Jolani usually does not make decisions without the council's support.⁵⁹ In contrast to Ahrar, JN relied on top-down centralisation around strong ideological commitments.⁶⁰ Initially it also preferred to recruit individual fighters rather than using pre-existing groups like Ahrar al-Sham.

In the following, I discuss the joint governance efforts by Ahrar al-Sham and JN in Northwestern Syria, and the ways that they have tried to manage the ensuing competition over power, control, and legitimacy. While short outbursts of violence took place, competition remained largely non-violent, particularly as long as groups were active in the same or linked bodies.⁶¹ Joint bodies also have served the two groups as a tool and vehicle for ideological differentiation.

'Joint' Governance Efforts

In Northwestern Syria, there were several efforts by the armed actors to establish joint governance structures, such as judicial and administrative bodies, like the Aleppo Shari'a Committee and the Islamic Committee in Idlib.⁶² Despite open violence being limited, these joint judicial and administrative bodies were marred by internal conflicts. As one interlocutor put it, "they [the factions] worked jointly in the military field, after that came the shari'a courts, after that the civil sphere. But in this field they did not really work with, but rather against each other,

⁵⁹ Author's e-mail conversation with Jerome Drevon.

⁶⁰ Drevon, 155, 184.

⁶¹ Violent incidents occurred for instance when one group wanted to install its governance body where the other group was already present, as had happened for instance in Salqin in early 2016 where JN's General Administration for Services was already present when Ahrar also tried to establish its Services' Administration Commission there (Document_1_1/2016; Document_2_4/2016). However, JN used violence against governance bodies that were either independent or associated with a rival, such as courts and local councils.

⁶² Regine Schwab and Samer Massoud, "Who Owns the Law?: Logics of Insurgent Courts in the Syrian War (2012–2017)," in *Actors and Dynamics in the Syrian Conflict's Middle Phase: Between Contentious Politics, Militarization and Regime Resilience*, eds. Jasmine K. Ghani and Raymond Hinnebusch (London: Routledge, 2022).

because each group wanted to monopolise the control over the liberated territories.”⁶³

JN’s strategy towards governance evolved over time. Since late 2012, it participated in the multiparty legal and administrative councils that were set up in opposition areas to fill the void left by the withdrawal of state institutions. JN in this period tried to increase its influence through “soft power,” for example, “by supporting the committees in financial ways, and place its members or people loyal to it in there.”⁶⁴ About two years later, it changed course and started to withdraw from the joint judicial bodies in Aleppo, Idlib, Eastern Ghouta, and Eastern Qalamoun.⁶⁵ As an alternative, it announced the formation of Dar al-Qadaa (House of Law) courts and related offices that were supposed to replace the shari‘a committees.⁶⁶ From JN’s point of view, the shari‘a committees had developed in a negative direction due to factional disputes and war-related developments. They had overstretched themselves, which necessitated their replacement with more coherent bodies and a clear separation between legal and administrative tasks. This transformation and differentiation came in a period when JN became more assertive and changed from a pure military force into a group with a project of governance.⁶⁷ One important reason for this shift in focus was to keep up with ISIS on an ideological level.⁶⁸ Beyond its behaviour, this was also exemplified by a leaked declaration in which Jolani discussed establishing an Islamic Emirate in Syria.⁶⁹ JN quickly followed through with its announcements, and the first Dar al-Qadaa courts appeared in August 2014 in different towns in Idlib and Aleppo province, creating rival structures to the Islamic Committee in Idlib and successive opposition courts in Aleppo.⁷⁰

⁶³ 170907_001.

⁶⁴ 171121_001.

⁶⁵ Document_3_7/2014; Document_4_7/2014; Document_5_3/2015; 180301_001; 180213_003.

⁶⁶ Document_6_7/2014.

⁶⁷ 180301_001; 190326_002.

⁶⁸ 171004_001.

⁶⁹ Document_6_7/2014.

⁷⁰ Schwab, “Insurgent Courts in Civil Wars.”

In 2014, JN chose the exit option, rather than trying to monopolise and change the existing organisations in its favour from within. In the next stage that started in 2015/2016, it followed a different strategy and tried to infiltrate and control administrative and judicial bodies, such as courts and local councils, from within. This is because apparently JN realised the costs of the direct approach of control and management used before. Hence, it switched to an indirect strategy of infiltration.⁷¹ In the latest period since late 2017, it has again remained in the background by helping to create a supposedly independent civilian administration, the Salvation Government.⁷²

Since late 2014, judicial and administrative domains became more clearly demarcated from each other, and courts and administrative bodies became more sophisticated in their structures and tasks. An important example showing this trajectory is the Executive Administration in Idlib city, discussed in detail below.

The Executive Administration in Idlib City

The Executive Administration in Idlib city is the prime example of a more sophisticated multiparty body than the Aleppo Shari'a Committee. Idlib was the second provincial capital after Raqqā⁷³ that completely came under the control of Islamist actors. As can be imagined, the administration of such a large city (before the war, the population was around 165,000)⁷⁴ was a challenge for the armed groups that had joined forces in the Jaysh al-Fatah coalition in order to wrest the remaining areas in Idlib from regime control. Hence, it “tested the ability of these factions to have common institutions and to provide a joint

⁷¹ 170815_001.

⁷² Document_7_7/2017; 170822_001.

⁷³ Rania Abouzeid, “How Islamist Rebels in Syria Are Ruling a Fallen Provincial Capital,” *Time*, 23 March 2013, <http://world.time.com/2013/03/23/how-islamist-rebels-in-syria-are-ruling-a-fallen-provincial-capital/#ixzz2OepSo68L>.

⁷⁴ Aljazeera, “mdīna idlib alsuriā,” *Aljazeera*, 2 April 2014. <https://www.aljazeera.net/news/ara-bic/2011/4/2/مدينة-إدلب-السورية>.

model of administration,”⁷⁵ which crystallised in the form of the so-called Executive Administration. This body was founded shortly after the “liberation” of the city in March 2015 and comprised different directorates such as electricity, water, judiciary, food provision (bakeries and flour storage), telecommunication, and education.⁷⁶ The Executive Administration answered to Jaysh al-Fatah’s Shura Council made up of representatives from the participating factions. Here, the groups were represented according to their military strength, with Ahrar and JN having most votes.⁷⁷ In addition, JN could count on the support of its local ally, Jund al-Aqsa, a hard-line jihadist group. However, this representation was solely on paper, and decisions were seldom taken by vote. Ahrar initially had a large role in this administration, as several interviewees confirmed. Several governors of the city came from its ranks or were associated with it.⁷⁸

Within the Executive Administration, there was considerable competition between JN and Ahrar al-Sham because they were the strongest actors. They had different ideas about the working of the administration, especially concerning the degree of its independence from military actors. When Jaysh al-Fatah entered Idlib, seven groups were part of it. With the exception of JN and Jund al-Aqsa, all of them agreed to hand over the city to a civil, independent administration.⁷⁹ Many of JN’s members were veterans from the Iraq war who wanted the administration to be subordinate to the armed groups.⁸⁰ For instance, after the conquest, JN suggested selling factories in the city, while other deputies in the shura council opposed this idea and countered that they are public property.

According to one activist from the city, a delegation of civilian and youth leaders approached Ahrar before the start of military operations and asked them for the plans for the city’s administration after its liberation. According to the activist, Ahrar was very much in favour of having a civilian and technocratic administration which would essentially

⁷⁵ 170822_001.

⁷⁶ 171105_004.

⁷⁷ 171105_004.

⁷⁸ 170822_001.

⁷⁹ 171105_004.

⁸⁰ 171105_007; 171105_004.

continue as before, with most employees returning to their workplaces after the military operations.⁸¹ However, as one of the former Ahrar governors of the city told me, when they suggested this topic to JN in their meetings as Jaysh al-Fatah, they disagreed: “They said ‘we have sacrificed blood and martyrs, how can we surrender the administration to people living under the regime that did not take part in the revolution?’ It was like they saw the civilians as coming from outside of Syria.”⁸² This attitude was confirmed by the activist:

They just wanted people belonging to the factions. Ahrar opposed this strongly. But the other factions [...] were silent or voted for Nusra’s interests because they were afraid or did not want to have problems. In the end they could agree on 7 people that should be responsible for the management of the directorates. [...] This was less damaging for the city because in this way the administration would not be dominated fully by Nusra.⁸³

According to several accounts, these representatives were mostly civilian, not military actors, who were proposed based on their professional credentials. However, in some fields that were particularly contentious, Ahrar and the other groups chose candidates who could face Nusra,⁸⁴ which meant military actors or those with strong links to the armed groups. The Ahrar deputy noted problems with this approach. Although the candidates were civilians, they were still perceived as representing the armed groups, a fact which JN used to undermine their work.⁸⁵

Apart from the head of each directorate who was in one way or another linked to the armed groups, the work was mostly technocratic and continued as it had been before.⁸⁶ The only exception was the sensitive security sector which was closed down and newly created from scratch in order to avoid any continuities with the regime period.⁸⁷ A security

⁸¹ 170923_001.

⁸² 171105_004.

⁸³ 170923_001.

⁸⁴ 170923_001.

⁸⁵ 171105_004.

⁸⁶ 170923_001.

⁸⁷ 171013_001.

and executive force was formed jointly by the participating factions.⁸⁸ Concerning the religious realm, it was decided to restrict it to da‘wah, that is for instance to go to markets and supervise the prices.⁸⁹ However, JN, which together with Jund al-Aqsa controlled the da‘wah and awqaf (religious endowments) committee, tried to enforce its understanding of religious authority in other domains as well.⁹⁰ Indeed, JN issued a statement which made it obligatory for women to wear long, loose clothes and headscarves in black, dark blue, or brown.⁹¹ This was unacceptable according to the Ahrar deputy who tried to convince JN to revoke the statement. After this was unsuccessful, he published a declaration on Facebook saying that the statement was not valid. In his words, “people referred to this when for instance Nusra stopped a woman on the street because of her clothes.”⁹² As part of this morality campaign, JN and Jund al-Aqsa also created a female police unit to control women’s clothes in public. Ahrar opposed this and, due to its authority in the administration and its military strength, could prevent it.⁹³ In general, Ahrar presented itself as a moderate and local alternative to JN. It was relatively successful with this approach and gained support from parts of the local community, also because it confronted JN on more than one occasion. However, JN’s military role in Northwestern Syria and its role in the administration grew over time.⁹⁴

There were also conflicts over specific resources, particularly over electricity.⁹⁵ Ahrar and JN tried to create popular support by providing electricity and other services.⁹⁶ When there was a power outage in Idlib, both parties blamed each other for it. There was a kind of war over services between them.⁹⁷ In March 2017, HTS, Ahrar, and other groups

⁸⁸ 171105_004; Document_8_4/2015.

⁸⁹ 171105_007.

⁹⁰ 171105_007; Document_9_7/2017.

⁹¹ Document_10_10/2015; Document_11_12/2015.

⁹² 171105_004.

⁹³ 170822_001.

⁹⁴ 171105_007.

⁹⁵ 180213_003.

⁹⁶ 170822_001.

⁹⁷ 170822_001; 180213_003.

agreed to form an independent body to manage facilities. However, one month later, Ahrar's Services' Administration Commission accused HTS of appropriating the company without consulting the other groups that had established it together.⁹⁸ Finally, at the end of July 2017, after a major attack on Ahrar al-Sham, HTS's electricity body forcefully subsumed Ahrar al-Sham's electricity administration.⁹⁹

In July and August 2017, after becoming the strongest military actor in the province following its defeat of Ahrar al-Sham, HTS took several steps to consolidate its dominance in the administrative domain. As a first step, it renamed its services body, the General Administration for Services, the Civil Administration for Services, which largely took over the Jaysh al-Fatah Administration. In late 2017, this administration was replaced by the Salvation Government, the latest embodiment of JN's governance ambitions. According to a former fighter and journalist, the purpose of the "civil" administration was to create a central body that would direct everything and would eventually enforce its control on all branches of life.¹⁰⁰ At the same time, "the civil administration project was trying to include various actors so that it shows openness and plurality, and that it represents local society rather than HTS."¹⁰¹ In August 2017, HTS also forcefully asserted control over the Idlib city council.¹⁰² According to the activist from Idlib city, JN's role only became very assertive and negative:

in the beginning of 2017 when it entered in a very strong way, and tried to dominate everything. This started almost after Aleppo fell. Before, our work was more independent in the sense that there were two forces, or

⁹⁸ Abd al-Jalil, "ḥrb alkhṛbā'a fī idlib.. alnām ywfrhā walhy'a wal'aḥrār yqt'ūnhā," *Enab Baladi*, 18 June 2017, <https://www.enabbaladi.net/archives/156707>.

⁹⁹ Document_12_7/2017.

¹⁰⁰ 170822_002.

¹⁰¹ 170822_001.

¹⁰² Noura Hourani, "After the Idlib City Council Refuses to Hand over Administrative Control, HTS Takes It by Force," *Syria Direct*, 29 August 2017, <http://syriadirect.org/news/hts-storms-idlib-city-council-after-its-refusal-to-surrender-control-of-civil-institutions/>.

more than one force, so the civilian organisations could exploit the differences between the factions to their advantage. But when HTS became the only force in the region, this resulted in the expulsion of some international organizations, like Save the Children. [...] After the international organisations had left, HTS began to accuse local activists of working for Western intelligence services.¹⁰³

At the same time, JN changed its approach towards the local councils. Initially, it had hindered the foundation of local councils in areas under the control of the Jaysh al-Fatah Administration. However, around the end of 2016, it started to change its strategy and allowed local councils more space. This change occurred because JN realised that governing was an expensive endeavour, and so it switched to an indirect strategy of infiltration, rather than controlling the administrative bodies in a direct way.¹⁰⁴ This strategy was not restricted to Idlib but equally applied to the local councils in Aleppo governorate. As a civil activist from Aleppo city told me, “the interferences by HTS became worse but more indirect [...], the councils are gradually taken over by them. We tried to control who runs in the elections, but this is difficult.”¹⁰⁵ As the activist from Idlib city put it: “HTS see themselves as rulers of the area they are based in, and they govern civilian affairs through a civil administration in quotation marks. They want a civilian body but one that is weak and completely under their control.”¹⁰⁶

In contrast to JN, Ahrar had a largely positive attitude towards the local civilian institutions. After hesitating for a long time due to the fear of internal conflict and a confrontation with JN and other jihadist groups, Ahrar finally embraced the revolutionary flag in June 2017.¹⁰⁷ In the same month, it also adopted the Unified Arab Code and expressed its support for an independent civilian administration.¹⁰⁸ HTS strongly

¹⁰³ 170923_001.

¹⁰⁴ 170815_001.

¹⁰⁵ 180224_002.

¹⁰⁶ 170923_001.

¹⁰⁷ Abdalhaq, “ahrār alshām ttbnā ‘lm althwra,” *Human Voice*, 23 June 2017, <https://human-voice.co/archives/14145>.

¹⁰⁸ Document_13_6/2017; 170822_001; 171010_001. The revolutionary flag used in the protests since 2011 is a modified version of the Syrian independence flag that originated during

criticised these decisions, and some of my interviewees suggested that they were important reasons for HTS's attack on Ahrar in July 2017. Others described Ahrar al-Sham's strategy as mainly reactive to JN: as several representatives of the group told me, initially it was not their intention to enter the civilian file at all. When JN insisted on establishing the Jaysh al-Fatah Administration, however, Ahrar also joined it in order to contain JN. There are reasons to doubt this based on ideological and personal connections between the two groups, and further the commander who was in charge at that time was close to JN and pushed for a convergence or even merger with the latter.

Nonetheless, Ahrar's comparatively constructive role was confirmed by the activist from Idlib city: "Before mid-2014 Ahrar always entered in a positive way. [...]. They always sought to strengthen the civil work. [...] They also helped humanitarian organizations or at least they tried not to hinder their work. When there was a problem we went to Ahrar because they could confront Nusra. They always helped us to make things work."¹⁰⁹ However, he also noted that Ahrar's approach became more assertive in 2015, when it created the Services' Administration Commission in order to compete with JN's private governance body, the General Administration for Services.¹¹⁰

Ahrar, according to its own view and the view of local activists, was closer to the local population than was JN. It tried to facilitate rather than hinder the activities of the nascent civil society and even stood up to JN on several occasions. Hence, it could establish itself rather successfully as a local alternative to JN. This clearly posed a threat to JN and helps to explain why it decided to go against its closest ally and rival among Syrian rebel groups in the summer of 2017.

the French Mandate. It was the trigger for several clashes between Ahrar and JN. The Unified Arab Code is a set of legal codes that was endorsed by the Arab League between 1988 and 1996 but has never been applied before the Syrian revolt (Maxwell Martin, "Lawyers, Guns, and Mujahideen," *Foreign Policy*, 30 October 2014, <https://foreignpolicy.com/2014/10/30/lawyers-guns-and-mujahideen/>).

¹⁰⁹ 170923_001.

¹¹⁰ 170923_001.

As shown in this section, while parts of the administration of rebel-held areas were indeed joint, organisations such as the Executive Administration allowed their constituent groups the possibility to distinguish themselves ideologically from their partners. Hence, rather than leading to further convergence and stabilisation, they led to internal conflicts and centrifugal tendencies. At the same time, conflicts remained limited, and did not spill into open violence, as long as groups were linked to each other both in administrative and military institutions.

Conclusion

Recent literature on civil war dynamics has strongly focused on rebel infighting as one of the main features of multiparty civil wars. While this focus is important, since not only other rebels but also civilians suffer heavily from such violence, existing research has largely neglected other strategies that groups use to manage competition, such as ideological differentiation.¹¹¹ This is even more relevant in the governance domain, where groups work to gain support from the local population and become recognised as the legitimate ruler by providing services. Existing research has mostly focused on governance provided by one group.¹¹² When the literature has considered governance provision by several groups, it has usually focused on parallel attempts to create distinct bodies that compete with each other.

This chapter has entered new theoretical and empirical terrain by analysing efforts to provide joint governance by Ahrar al-Sham and JN, the two most important Islamist militant groups in Northwestern Syria, and the ways that these groups have tried to manage the ensuing competition between them over power, control, and popular support. They have also actively used joint bodies to differentiate themselves from their rivals vis-à-vis the local population and external actors.

What emerges from this analysis is that JN and Ahrar al-Sham put forward quite different models of governance that led to recurring

¹¹¹ Tokdemir et al.; Schwab, “Does Ideological Differentiation Work?”.

¹¹² But see Schwab, “Insurgent Courts in Civil Wars.”.

conflicts within the joint governance bodies without erupting into large-scale violence, although there were constant attempts to outmanoeuvre each other in order to gain control over these bodies. Ahrar has presented itself as the local and more moderate alternative, while JN has been more concerned with keeping its universal jihadist credentials. Hence, the joint provision of governance, particularly within the Executive Administration, allowed both groups to differentiate themselves from their main local contender and in so doing to address their specific target groups. On the socio-political dimension, Ahrar clearly was more pragmatic, choosing to work for integration with society and avoiding *fitna*. JN was closer to the purist end and behaved more as an ideological “vanguard,” although it did not engage in excessive violence against other Muslims, as ISIS did.

The assessments by local activists and experts show that Ahrar was quite successful with this approach of local accommodation. This was likely one of the most important reasons that JN’s successor HTS decided to go violently against its most important ally and rival in mid-2017 and also increasingly copied its approach of building local legitimacy.¹¹³

This chapter has shown that joint governance bodies led by several groups exist but are prone to internal contestation and centrifugal forces. However, the experience in the governance domain in Northwestern Syria was far from being as violent as would be expected based on recent literature. In fact, violence between groups was limited as long as they were linked to each other in joint bodies and hence interdependent. This is a good sign for both local civilians and rebel groups. However, as these experiences also show, joint administration is not viable in the longer term. An open question is the efficiency of governance provision by joint bodies, which future research should address.

¹¹³ Schwab, “Does Ideological Differentiation Work?”

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- 170907_001 Former Representative in Executive Administration, Ahrar al-Sham.
- 170913_001 Co-founder and former commander, Ahrar al-Sham.
- 170923_001 Activist from Idlib city.
- 171004_001 Religious cleric, former judge and coordinator among opposition groups.
- 171010_001 Leader of office for external relations, Ahrar al-Sham.
- 171013_001 see 171004.
- 171105_004 see 170907_001.
- 171105_005 Fighter in Idlib, Ahrar al-Sham.
- 171105_007 Commander in Northern Syria, Faylaq al-Sham.
- 171121_001 Religious cleric and former judge in opposition courts.
- 180213_003 see 171004_001.
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Hezbollah's Relation with Iran: The Proxy-Ally Debate and Wilayat al-Faqih's Impact on Hezbollah's Nature, Governance, and Legitimacy

Ali Bakir

Introduction

Since its establishment in the 1980s, one primary question about Hezbollah has regarded the nature of its ties with Iran. As it has evolved during the last four decades or so, more questions arose. Is Hezbollah a non-state actor or semi-state actor, or hybrid state actor? Is it a proxy, a partner, or an ally for Iran? Is it an extension of the Iranian regime or an autonomous independent actor? Is it a local actor or a trans-national actor? Does it operate solely based on political calculations, or does its ideology-religious-sect affiliation play a central role?

While there is no shortage of literature on Hezbollah and its relations with Iran, existing literature has often examined Hezbollah from a binary perspective. Some works prescribe Hezbollah as a proxy, a client tied to

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its patron Iran, while others elevate the Shi'i organisation to a higher status or rank than a mere proxy, instead portraying it as a partner or an ally of Iran. In his book *Proxy Warfare*, Andrew Mumford calls Hezbollah a non-state actor and a proxy. He argues that an understanding of proxy war based on the assumption of an exclusive state-based benefactor and a perpetually non-state proxy is too static.¹ Although Mumford mentions Iran's material support of Hezbollah, he interestingly considers Hezbollah a proxy for Syria as well.²

Contrary to Mumford, Amal Saad argues that Hezbollah is not a proxy for Iran, but rather is an autonomous actor in the Lebanese context³ and a partner for Iran.⁴ Saad asserts that the Iran–Hezbollah relationship is an interdependent symbiosis between close allies, rather than a relationship between a proxy and its sponsor.⁵ The Congressional Research Service (CRS) report on Iran adds another layer of complexity by identifying Hezbollah as “Iran’s most significant non-state ally.”⁶

The debate between the two camps about how to define Hezbollah and the nature of its relationship with Iran is not new. The first camp typically posits that Hezbollah is a proxy for Iran, stating that it operates as Tehran's long arm in the region. The other camp, however, challenges this idea, either to emphasise the importance of Hezbollah to Iran compared to other junior pro-Iran proxies or to lend legitimacy to the group as a Lebanese party, downplaying the fact that it is organically affiliated with the Iranian regime. Promoting Hezbollah as a partner or ally implies that the Shi'i party operates autonomously and is independent of Iran. Their alliance, in this case, is a matter of choice and convergence of interests rather than of reliance.

¹ Andrew Mumford, *Proxy Warfare* (London: Polity Press, 2013): 54.

² Ibid.

³ Amal Saad, “Challenging the Sponsor-Proxy Model: The Iran–Hezbollah Relationship,” *Global Discourse: An Interdisciplinary Journal of Current Affairs* 9, no. 4 (2019): 637.

⁴ Ibid.: 627.

⁵ Ibid.

⁶ Kenneth Katzman, “Iran’s Foreign and Defense Policies,” Congressional Research Service (2021): 35, <https://crsreports.congress.gov/product/pdf/R/R44017>.

While these are the main two trends, several other works focus on Hezbollah's identity⁷ and culture.⁸ Recently, a third camp has highlighted the evolution of Hezbollah, rather than the binary equation that suggests Hezbollah is either Iran's proxy or partner/ally. The primary hypothesis of this camp revolves around the claim that, in earlier decades, Hezbollah might have been radical, ideologically driven, military-oriented, and dependent on foreign support to survive and thus had a proxy relation with Iran; however, as time has passed, the party has become more independent, institutional, pragmatic, politically driven, and inward-oriented. This argument promotes the idea that Hezbollah is not Iran's puppet but rather a Lebanese party with a Lebanese agenda independent of foreign ties. In other words, this line of thinking promotes Hezbollah as a local actor who acts autonomously according to a local agenda. Ultimately, this camp ends up supporting the claim of the second camp by employing a new narrative.

All these arguments create confusion rather than clarifying the nature of Hezbollah. This confusion adds to common misperceptions about the party, which do not linger in the philosophical domain, but also leave an impact on real-world decisions and situations. Seeing Hezbollah as a purely Lebanese political party with a local agenda is fundamentally different from seeing it as a proxy for Iran.

Nevertheless, all these arguments reflect the complexity of Hezbollah and the competing agendas behind promoting specific trends and narratives regarding Hezbollah's nature and its relation with Iran. Studying Hezbollah from different angles will result in different characterisations of the party and its role. Having said this, I notice several flows in the argument of the two major camps.

While prescribing Hezbollah as a proxy for Iran seems to reflect the reality on the ground, the term itself is problematic because it does not express the scope and depth of Hezbollah's ties with Iran. Furthermore, it does not seem to be compatible with some aspects of Hezbollah. As Alex Deep and Yelena Biberman explain:

⁷ See: Roman Levi, "Changes in Hezbollah's Identity and Fundamental Worldview," *Strategic Assessment* 19, no. 2 (2016): 53–66.

⁸ See: Pol Morillas Bassedas, "Hezbollah's Identities and their Relevance for Cultural and Religious IR," Institut Català Internacional per la Pau Working Paper 4, 2009, 1–48.

The outsourcing of military operations to state or non-state proxies presents a host of tactical, logistical, strategic, political, legal, and ethical challenges. What Machiavelli observed about mercenaries and auxiliaries—that they are “dangerous . . . disunited, ambitious, and without discipline, unfaithful”—can apply to any group that has its own motives, especially when those motives include profit. Proxies are difficult to control even when their motives align with those of their sponsors. They can, for example, take it upon themselves to go above and beyond the mission’s objectives.⁹

Suggesting that Hezbollah can be unfaithful, without discipline, difficult to control, and can go above the mission’s objectives is nothing close to what Hezbollah represents. In fact, one reason that Iran generously and unrestrictedly supports Hezbollah financially and militarily, including with thousands of rockets and precise ballistic missiles with a reported range that exceeds 300 km range,¹⁰ is that Hezbollah represents the opposite of these characteristics. How can we explain such contradiction then? In order for such support to be granted, the sponsor/patron needs—among other things—to secure the unquestionable loyalty of the sponsored group/client and exert direct control over it. Given the previously mentioned characteristics of proxies, there is usually no way to grant this. However, in the Hezbollah–Iran case, the ideology of *wilayat al-faqih* can grant more than just unquestionable loyalty of Hezbollah and secure the direct control of Iran over the Shi‘i armed group, thus turning Hezbollah into more than a proxy.

As for the second camp, prescribing Hezbollah as a Lebanese actor who acts independently and chooses to incorporate itself in an alliance

⁹ Alex Deep and Yelena Biberman, “The Proxy Gambit,” Modern War Institute, 28 April 2021, <https://mwi.usma.edu/the-proxy-gambit/>.

¹⁰ According to some platforms, Hezbollah might have a Scud B/C missile with a range of around 500 km. This means Hezbollah’s missiles can easily target Jordan and reach as far as Egypt, Saudi Arabia, Iraq, Cyprus, and Turkey. See: Amos Harel, “Iran’s Covert Scheme to Upgrade Hezbollah’s Rocket Arsenal Revealed,” *Haaretz*, 28 February 2019, <https://www.haaretz.com/middle-east-news/iran/.premium-iran-s-covert-scheme-to-upgrade-hezbollah-s-rocket-arsenal-revealed-1.6978683>; Shaan Shaikh and Ian Williams, “Hezbollah’s Missiles and Rockets: An Overview,” Center for Strategic and International Studies (CSIS), July 2018, https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/180705_Williams_HezbollahMissiles_v3.pdf.

with Tehran based on a convergence of interests is a farfetched idea that contradicts many realities, Hezbollah's statements, actions, and agenda. The narrative promoted by this camp has serious flaws. Studies related to this camp tend either to ignore the religious and ideological aspect of Hezbollah and Iran, as well as the nature of their ties or to de-emphasise it. Some experts lack sufficient religious knowledge to incorporate this component in studying Hezbollah and thus end up seeing it from a purely political, social, or military perspective rather than taking a holistic approach. Others, however, deliberately do so to mask the nature of the relationship between Hezbollah and Iran or to downplay this factor through a carefully crafted narrative.

Excluding the religious and ideological component creates a distorted and misleading image of Hezbollah, its nature, goals, and ties with Iran. The lack of understanding and sometimes the lack of accurate information can feed the misperceptions about Hezbollah, which have a direct impact on our understanding of Hezbollah's governance and legitimacy. In this sense, following the problematisation of the Hezbollah–Iran ties, this chapter will examine the Hezbollah–Iran relationship starting from the ideological-religious component. It will then discuss the evolution of Hezbollah within Lebanon through four main periods, with a particular focus on how Hezbollah's ties with Iran have affected the groups' way of governance on the structure and process levels, behaviour, legitimacy, and relations with the Lebanese State.

Wilayat al-Faqih Doctrine, Hezbollah, and Governance

In its simplest form, the *wilayat al-faqih*¹¹ (guardianship of the Islamic jurist) is a means of governance that subjects the state, society, and individuals to the ultimate and divine powers of the supreme Shi'i clerical

¹¹ Velayat-e Faqih in Persian.

leader, *al-wali al-faqih*¹² (guardian Islamic jurist). Submission to the *al-wali al-faqih* according to this theory is not exclusively related to religious affairs but rather to all aspects of life, including politics.

Moreover, the jurisdiction of the *al-wali al-faqih* is not confined to the local domain or local followers but extends to wherever Shi'as exist outside Iran. Ayatollah Ruhollah Khomeini developed the theory of *wilayat al-faqih* in exile in the early 1970s. The primary goal of his theory was to transfer all political and religious authority to the Shi'i clergy, who would make all of the state's decisions subject to approval by a supreme clerical leader, *al-wali al-faqih*, a position which Khomeini himself ended up taking on between 1979 and 1989.¹³

The main intellectual trends upon which Khomeini drew were Marxism, Third-Worldism, and various forms of Islamism.¹⁴ In Khomeini's formulation, the jurisconsult (the Supreme Leader) "derives his legitimacy exclusively from God, as opposed to the people, which ruptures the relationship between society and the clergy and places his claims beyond contestation or deliberation."¹⁵ Khomeini went even further to say the *al-wali al-faqih* may not have the status of the noblest messenger (the Prophet Mohammad) or the Twelve Imams, but he will have the same authority.¹⁶

In his book *Islamic Government*, Khomeini describes *al-wali al-faqih* as a guardianship system that is similar to "appointing a guardian for a minor."¹⁷ He adds "and there is no difference between a guardian of a nation and the guardian of a minor."¹⁸ According to Khomeini, "If a faqih appoints a guardian for a minor or a trustee for an endowment,

¹² Vali-e Faqih in Persian.

¹³ Kasra Aarabi, "What Is Velayat-e Faqih?" Tony Blair Institute for Global Change, 20 March 2019, <https://institute.global/policy/what-velayat-e-faqih>.

¹⁴ Jason Wimberly, "Wilayat al-Faqihin Hizballah's Web of Concepts: A Perspective on Ideology," *Middle Eastern Studies* 51, no. 5 (2015): 3.

¹⁵ Hamid Mavani, "Ayatollah Khomeini's Concept of Governance (wilayat al-faqih) and the Classical Shi'i Doctrine of Imamate," *Middle Eastern Studies* 47, no. 5 (2011): 807.

¹⁶ M. Mahtab Alam Rizvi, "Velayat-e-Faqih (Supreme Leader) and Iranian Foreign Policy: An Historical Analysis," *Strategic Analysis* 36, no. 1 (2012): 113.

¹⁷ Ayatollah Ruhollah Imam Khomeini, *Islamic Government: Governance of the Jurist*, trans. Hamid Algar (London: Alhoda, 2005): 58.

¹⁸ Ibid.

the appointments he makes are not annulled by his death but continue in force.”¹⁹

Following the revolution in 1979, the new rulers of Iran incorporated the doctrine of *wilayat al-faqih* into the Iranian Constitution, and Khomeini became the first Supreme Leader of Iran. After his death in 1989, the Iranian constitution was amended to introduce absolute *wilayat al-faqih*.²⁰ One of the introduced amendments removed the constitutional requirement for the Supreme Leader to be a recognised *marja al-taqlid*—the most senior rank in the Shi‘i clergy,²¹ thus allowing Ali Khamenei to succeed Khomeini.

Under the absolute *wilayat al-faqih*, the Supreme Leader is accountable only to God. All religious and political powers thus rest in his hands.²² There are critical points that follow from this ideology. First, there is no separation between the political and the religious in the *wilayat al-faqih* doctrine. Second, the extent to which the powers of *al-wali al-faqih* extend is not confined to the national borders of Iran. These two points affect the behaviour of the followers of the *al-wali al-faqih* outside Iran, thus creating a situation that undermines the sovereignty and stability of several regional countries, which house Shi‘i populations.

In Lebanon, for example, Hezbollah’s way of governance can be associated with the literature of the role of non-state armed actors in areas of limited statehood.²³ Governance is defined as “the various institutionalized modes of social coordination to produce and implement collectively binding rules or to provide collective goods,”²⁴ such as security, infrastructure, services, etc. It comprises both structure and process. While governance as structure relates to “institutions and actor constellations,” governance as process revolves around “the modes of social coordination by which actors engage in rulemaking and implementation and in the

¹⁹ Ibid.: 82.

²⁰ Aarabi.

²¹ Ibid.

²² Rizvi, 114.

²³ Thomas Risse ed., *Governance Without a State: Policies and Politics in Areas of Limited Statehood* (New York: Columbia University Press, 2011).

²⁴ Tanja A. Börzel and Thomas Risse, “Governance Without a State: Can It Work?” *Regulation and Governance* 4 (2010): 114.

provision of collective goods.”²⁵ Moreover, governance is closely related to other concepts such as authority, power, and legitimacy. The *wilayat al-faqih* doctrine had a profound impact on Hezbollah’s governance in Lebanon on the levels of both structure and process, as well as on its power and legitimacy.

In its founding manifesto, which was entitled “Who are we and what is our identity,” released on 16 February 1985, Hezbollah highlighted: “We obey the orders of a single, wise, and just leadership represented by *al-wali al-faqih* who fulfilled all conditions and currently embodied by the Imam, the Grand Ayatollah Ruhollah Mousavi Khomeini, ... Our behaviour is dictated to us by legal principles laid down by the light of an overall political conception defined by the leading jurist.”²⁶

In 2002, Hezbollah’s Deputy Secretary-General, Sheikh Naim Qassem, the deputy leader of the party, published a book entitled *Hezbollah: The Path, Experience, and Future*,²⁷ in which Hezbollah’s commitment to ideology of *wilayat al-faqih* is described as one pillar of its programme.²⁸ Explaining the relationship between the “Muslim and *al-wali al-faqih*,” Qassem acknowledges that the authority of *al-wali al-faqih* is unlimited (no less than that of the Prophet),²⁹ that his powers are not confined to the religious domain but also include politics, financial matters, decisions of war and peace,³⁰ and that his jurisdiction extends to wherever the followers exist outside Iran.³¹ When it comes to the followers, Qassem affirms that religious and political rulings of *al-wali al-faqih* cannot be separated and that followers are responsible for

²⁵ Ibid.: 114–115.

²⁶ Hezbollah’s Manifesto, The Hezbollah Program: An Open Letter, 16 February 1985, https://www.cia.gov/readingroom/docs/DOC_0000361273.pdf.

²⁷ The English version was published in 2005 under the title *Hezbollah: The Story From Within*. The book is of great importance because a senior leader of the party and a founding member who has been occupying this post since 1991 introduces Hezbollah’s ideology, narrative, and perspective.

²⁸ Naim Qassem, *Hezbollah: Almanhaj wal tajriba wal mustaqbal* (Beirut: Dar Al Saqi, 2010): 80–92. [In Arabic].

²⁹ Ibid.: 83.

³⁰ Ibid.: 84.

³¹ Ibid.: 86.

observing and respecting both.³² However, Qassem notably downplays the effects of *wilayat al-faqih* on Hezbollah and its behaviour by claiming that the Supreme Leader considers each country's specific circumstances in his rulings.³³

The key issue here is that there is no separation neither in the *wilayat al-faqih* doctrine nor in Hezbollah between the religious and political spheres. Between 2000 and 2010, Hezbollah became more aware of the increased sensitivity about its adherence to *wilayat al-faqih* and the effects of its ties to Iran's Supreme Leader on its governance, legitimacy, critical decisions, and behaviour, including decisions to wage war in 2006 and 2008. To downplay the stark contradiction between being Lebanese on the one hand and being loyal to the Iranian agenda on the other hand, Hezbollah officials have responded using two tactics.

One tactic, such as the one used above by Qassem, implies that *al-wali al-faqih* does not force Hezbollah to do anything and instead allows the group a comfortable space to move in accordance with the internal requirements in Lebanon. This narrative asserts that Hezbollah is independent, yet works only under the general guidance of the Supreme Leader and details are left to local leaders, who receive no orders from the Supreme Leader of Iran and thus have enough room to manoeuvre.³⁴ Assuming that this is the case, such rhetoric raises questions about the margins of this space, when the Supreme Leader intervenes, and whether Hezbollah has to obey him. In his book, Naim Qassem proves that the so-called margin is almost non-existent except when implementing the Supreme Leader's so-called "general guidance" necessitates it for tactical and logistical reasons. Even in this case, the very limited margin Hezbollah might enjoy in its mission does not mean that the group is independent or entitled to make critical decisions on its own without the Supreme Leader of Iran.

The 1992 parliamentary election in Lebanon is one primary example of the extent of Hezbollah's dependency on Iran. According to Qassem's account, even though 10 out of 12 members of Hezbollah's committee

³² Ibid.: 82.

³³ Ibid.: 87.

³⁴ Ibid.: 88.

voted in favour of participating in elections, the ultimate decision had to come from Iran's Supreme Leader Ali Khamenei. After referring the matter to Khamenei, he issued a binding *fatwa* to permit Hezbollah to take part in the Lebanese elections.³⁵ In another example, when Hassan Nasrallah, Hezbollah's Secretary-General since 1992, was asked on 4 July 1997, to comment on Subhi Tufayili's³⁶ call for civil disobedience in Lebanon, he stated: "There is one case in which disobedience is permissible is when the corruption becomes so great that there is no other solution for it, and this needs permission from *al-waly al-faqih*."³⁷

The other tactic employed by Hezbollah's officials to downplay the contradiction resulting from the group's Lebanese identity and its loyalty to the Iranian agenda rests on creating strategic ambiguity and implying that *wilayat al-faqih* is confined to religion and culture but not to politics. To promote this narrative, Hezbollah issued a modified manifesto in 2009. Contrary to its 1985 manifesto, Hezbollah avoided mentioning *wilayat al-faqih*. Nonetheless, when asked about it in the press conference, Nasrallah explained: "we have provided a political document but have not dealt with aspects of belief, ideology, or intellectual culture."³⁸ This ambiguity, however, did not last long, as Nasrallah himself put an end to it through unprecedented statements that confirmed the affiliation of Hezbollah to Iran's Supreme Leader and Iran's agenda, as will come later.

Phase One: The Non-State Actor (1982–1992)

Hezbollah's creation is often tied to the Israeli invasion of Lebanon in 1982. However, the reality is much more complex than that. Stressing the Israeli factor in the group's narrative is meant to lend legitimacy to it in the eyes of the targeted audience vis-à-vis the fact that it was created,

³⁵ Ibid.: 342–343.

³⁶ On 4 July 1997, Hezbollah's former secretary-general Subhi Tufayili led *thawrat al-jiyaa* "the revolution of hungry" against the government and Hezbollah. He called on people to carry out civil disobedience.

³⁷ *Almustaqbal* Newspaper, 29 November 2006, 4.

³⁸ Wimberly, 687.

supported, and financed by Iran. Legitimacy is a pre-condition not only to enable effective governance but also to wield power, exert influence, and sustain control. This situation explains why all Iran's attempts to create Hezbollah-alike groups in several other Arab countries³⁹ in the 1980s⁴⁰ failed, except in Lebanon.⁴¹

In 1982, Iran sent some 800 members of the Iranian Revolutionary Guard Corps (IRGC) to Lebanon through Syria to help recruit members for Hezbollah, providing political and religious indoctrination and military training and support.⁴² IRGC advisors and trainers set up a base in the Bekaa Valley with the goal of exporting the "Islamic Revolution" to the Arab world.⁴³ The birth of Hezbollah in Lebanon coincided with three main events: the civil war in Lebanon (1975–1990), the Islamic Revolution in Iran (1979), and the Israeli occupation of Lebanon (1982). At the time, Lebanon was in a state of chaos, weak, and divided. Hezbollah did not recognise the legitimacy of the Lebanese system and hoped to establish an Islamic regime through a revolutionary act,⁴⁴ yet this was a farfetched idea given the complexity of the internal situation and Hezbollah's lack of the capacity to carry it out.

When Hezbollah was founded in 1985, several prominent Palestinians and Lebanese groups, such as the Palestine Liberation Organisation (PLO) and the Lebanese Communist Party, were already resisting Israel following its 1978 and 1982 invasions of Lebanon, making Hezbollah a latecomer to the anti-Israel camp.⁴⁵ Hezbollah thus focused instead during this phase on crystallising its ideological foundations and creating its organisational structure, particularly in the years before the official announcement of its establishment in 1985. Under the name of Islamic

³⁹ Not only in Arab countries such as Bahrain, Kuwait, Saudi Arabia, and Iraq, but also in countries such as Turkey.

⁴⁰ Matthew Levitt, "Hezbollah's Regional Activities in Support of Iran's Proxy Networks," Middle East Institute, 26 July 2021, <https://www.mei.edu/publications/hezbollahs-regional-activities-support-irans-proxy-networks>.

⁴¹ In 2006, a Hezbollah militia in Iraq was created.

⁴² Levitt, 5.

⁴³ Ibid.

⁴⁴ Hezbollah's Manifesto.

⁴⁵ Hussain Abdul-Hussain, "Hezbollah: A State within a State," Hudson Institute, 21 May 2009, <https://www.hudson.org/research/9801-hezbollah-a-state-within-a-state>.

Jihad, Hezbollah launched deadly suicide attacks against foreign targets and kidnapped foreign officials.

For example, on 25 October 1983, Hezbollah conducted suicide attacks against the American and French contingents of the four-nation Multinational Force (MNF).⁴⁶ According to the most detailed accounts available, Iran's ambassador in Syria, Ali Akbar Mohtashemi, was directed to contact the Iranian IRGC commander in the Bekaa Valley, Ahmad Kan'ani, to command Hezbollah to attack the MNF. To this end, Kan'ani convened a meeting with key Hezbollah decision-makers, including future general secretaries Abbas al-Musawi and Hassan Nasrallah.⁴⁷ These attacks seemed to suit Iran's agenda, as both the US and France were engaging in activities against Iran. Soon after the attack, Tehran developed Islamic Jihad from a loose association into what became known as Hezbollah.⁴⁸

Between 1985 and 1991, Hezbollah focused on widening its popular base and the scope of its ideological, military, and social activities. To best represent the new Iranian revolutionary model, contribute to exporting Iran's ideological system, and win the hearts and minds of the Shi'ci community, the newly formed group needed to defeat Iran's political and ideological rivals. In 1974, Musa Al-Sadr, an Iranian cleric of Lebanese descent, mobilised a group of Shi'as ready to fight for a better socio-economic situation through the movement of "Lebanese resistance battalions," or Amal (Hope), founded in 1975 to be the political-military arm of the Movement of the Deprived. After three years, Musa Al-Sadr disappeared in Libya, and Nabih Berri, a secular, green card holder, and West African entrepreneur, led the group thereafter.⁴⁹

Under Berri, Amal became the most significant and influential group in the Lebanese Shi'ci community, as well as a Syrian proxy. A number of its cadres, such as Hassan Nasrallah and Hussein al-Moussawi, broke off

⁴⁶ Marc R. DeVore, "Exploring the Iran-Hezbollah Relationship: A Case Study of How State Sponsorship Affects Terrorist Group Decision-Making," *Perspectives on Terrorism* 6, no. 4 (2012): 97.

⁴⁷ Ibid.

⁴⁸ Levitt, 6.

⁴⁹ Samer N. Abboud and Benjamin J. Muller, *Rethinking Hezbollah: Legitimacy, Authority, Violence* (London: Routledge, 2012): 26–27.

and either formed small splinter groups or joined Hezbollah, which had always defined itself in contrast to Amal,⁵⁰ given the difference on the political orientation of Lebanon's Shi'i community, national and religious identity, and overarching vision for the future of Lebanon.⁵¹ Contrary to Hezbollah, Amal did not believe in the doctrine of *wilayat al-faqih*, joined the Lebanese National Salvation Front in 1982, and had good ties with Syria. A clash with Amal thus seemed inevitable. The withdrawal of PLO from Lebanon in 1982 and the overstretched Amal offered a unique opportunity for Hezbollah, especially with the very high salary the group was offering to its members at the time (\$300 per month).⁵²

Due to lavish Iranian support, the year 1987 witnessed increased Hezbollah activity in the domain of social services. During that year, Hezbollah established the Emdad Committee for Islamic Charity to focus on child welfare and orphans in the poor suburban and needy areas of the Shi'i community.⁵³ The following year, Hezbollah established the Jihad al Binaa Developmental Association to focus on service provision in rural and suburb areas.⁵⁴ In 1989, Hezbollah established Al Jarha Association to provide financial support to its soldiers and their families, as well as to focus on the war-wounded and disabled.⁵⁵ These institutions emerged during Hezbollah's competition with Amal and secured Hezbollah an increasing number of supporters within the Shi'i community. The goal was to use these services to bolster its ranks, provide a humanitarian shield, increase its influence, and combat its Shi'i rival. In this sense, social services served as an equal arm and leverage, no less than that of the military and political wing.⁵⁶

⁵⁰ August Richard Norton, *Hezbollah: A Short History* (Princeton: Princeton University Press, 2009): 45.

⁵¹ Wassim Mrue, "Lebanon's Amal and Hezbollah: The Past in the Present?" LSE Middle East Centre Blog, 18 March 2020, <https://blogs.lse.ac.uk/mec/2020/03/18/lebanons-amal-and-hezbollah-the-past-in-the-present/>.

⁵² Edwin Tran, "A Socio-economic History of Hezbollah: The Social Service Apparatus," *Encyclopedia Geopolitica*, 14 January 2019, <https://encyclopediageopolitica.com/2019/01/14/a-socio-economic-history-of-hezbollah-the-social-service-apparatus/>.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ James B. Love, *Hezbollah: Social Services as a Source of Power* (Florida: Joint Special Operations University, 2010): 21–22.

In 1988 and 1989, Amal and Hezbollah initiated a bloody clash that killed around 2500 of their members and communities.⁵⁷ In addition to internal competition, the clash was a proxy conflict on behalf of Iran and Syria. Before the emergence of Hezbollah, Syria supported Amal substantially to represent its interests in Lebanon; Damascus used the group to check the power of the PLO and to have leverage vis-à-vis other internal and external players.⁵⁸ Syria was sceptical about Hezbollah and its Iranian agenda and wanted to maintain its advantage. In January 1989, Syria and Iran sponsored an agreement between the two militias to stop the fighting,⁵⁹ yet it did not last.

Hezbollah was more ideologically committed than Amal, as well as more motivated due to the Iranian revolution; it was also more organised, less corrupt, and had vast support from Iran compared to what the overstretched, weak, and corrupt Amal⁶⁰ received from Syria. As a result, and when it was evident that Amal would lose the military competition, parties entered into an agreement brokered by Syria and Iran in November 1990 that ended the conflict.⁶¹ The deal was sustained because it comprised a broader understanding of Lebanon's post-civil war order between Syria and Iran. As a result, an implicit division of labour was set. Hezbollah and Amal adopted a complementary, rather than a competitive, role whereby Hezbollah took charge of armed resistance against the Israeli occupation in the south, while Amal occupied public sector posts and government positions allocated for the Shi'i community.⁶²

The phase extending from 1982 to 1992 defined Hezbollah as a non-state actor created primarily by the religious, ideological, political, diplomatic, financial, and military support of Iran. Iran's primary

⁵⁷ Mroue.

⁵⁸ Augustus Richard Norton, "The Role of Hezbollah in Lebanese Domestic Politics," *The International Spectator* 42, no. 4 (2007): 476.

⁵⁹ "2 Warring Shiite Muslim Militias Sign Truce Agreement in Lebanon," *The New York Times*, 31 January 1989, <https://www.nytimes.com/1989/01/31/world/2-warring-shiite-muslim-militias-sign-truce-agreement-in-lebanon.html>.

⁶⁰ Norton, *Hezbollah: A Short History*, 23.

⁶¹ "Hezbollah, Amal Sign Peace Agreement" Agence France Press, 5 November 1990, <https://apnews.com/article/a5440afb071cef6f25487ec66b6b2658>.

⁶² Mroue.

mission was to export its revolution and spread its ideology. The civil war in Lebanon and the Israeli occupation provided an opportunity for Tehran to achieve these goals. During this phase, Iran's visible and direct interference in Hezbollah's decision-making process, decisions, and military and social activities could easily be noticed and traced. In 1992, Iran's Supreme Leader Ali Khamenei issued a binding *fatwa* that allowed Hezbollah to incorporate itself in Lebanese political life and participate in Lebanon's first post-war election, thus paving the way to phase two of Hezbollah's development.

Phase Two: The Semi-State Actor (1992–2000)

After defeating its main local rivals and securing the support of Syria, Hezbollah had the upper hand in the Lebanese Shi'i community. Nevertheless, the questions of preserving its military capacity, growing it, and legitimatising it were of great concern. During this phase, between 1992 and 2000, Hezbollah focused on two primary missions in its governance strategy. First, it aimed to consolidate its local legitimacy as a group that owes allegiance to *wilayat al-faqih* and Iran's Supreme Leader but works in the Lebanese environment. Second, Hezbollah sought to expand its reach beyond its immediate Shi'i community to the broader Lebanese and even the Arab and Muslim audience. To achieve these goals, Hezbollah took measures on several levels. First, it expanded its social service networks and social outreach to the Shi'i community and promoted itself as the defender of Shi'i rights in Lebanese society and an actor who could return dignity to this community after years of government neglect.⁶³ Second, Hezbollah participated in the 1992 parliamentary elections, thus acknowledging the legitimacy of the Lebanese system for the first time. Third, it focused on promoting itself as a resistance to the occupying Israeli force to gain popularity and support.

⁶³ Lina Khatib, "How Hezbollah Holds Sway Over the Lebanese State," Chatham House Research Paper, 30 June 2021, <https://www.chathamhouse.org/2021/06/how-hezbollah-holds-sway-over-lebanese-state/01-introduction>.

Several factors aided Hezbollah in progressing towards its primary goals in this phase. One of these factors was that the group was granted the exclusive right to carry and use weapons. On 30 September 1989, the Al-Taif Agreement, negotiated in Saudi Arabia, ended the civil war in Lebanon and granted Syria vast influence in the country. The agreement demanded that the Lebanese and non-Lebanese militias be disbanded and that weapons be handed over to the Lebanese State.⁶⁴ However, the Syrian Government excluded Hezbollah from implementing this arrangement, thereby granting the group the exclusivity to claim resistance against Israel. Hezbollah made full use of this measure not only to increase its political and military powers, but also to claim that it was ensuring the security of the Shi'i community as well as taking on the burden of resisting Israel for the greater good of the Lebanese, Arabs, and Muslims.

The idea behind granting Hezbollah exclusivity was linked to Iran's intention to use Hezbollah's position to promote itself, its ideology, and its agenda in Lebanon and the Arab world. Furthermore, Syria benefited from this arrangement by tightening its grip over Lebanon and gaining leverage vis-à-vis Israel.⁶⁵ Granting Hezbollah the exclusive right to carry weapons and increase its military capabilities meant that Iran had tremendous control over the group. In order to enable Hezbollah to play the long game, ensure another layer of protection for its weapons, gain legitimacy, and better serve Iran's interests, Ali Khamenei directed Hezbollah to participate in the 1992 parliamentary elections in Lebanon.

This decision divided Hezbollah's leaders into two groups. One group of leaders wanted Hezbollah to be independent in its decisions and actions and focus on resisting Israel. The other group of leaders wanted the party to stick to the Iranian line. Ironically, the first group was branded as radicals, while the others were branded as pragmatic. Subhi al-Tufayli, Hezbollah's first Secretary-General, criticised Hezbollah's participation in the 1992 elections. He challenged

⁶⁴ The National Accord Document—The Taif Agreement, UN. [In Arabic]. https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_arabic_version_.pdf.

⁶⁵ Mohanad Hage Ali, "Power Points Defining the Syria-Hezbollah Relationship," Carnegie Middle East Center, March 2019, 5, https://carnegieendowment.org/files/Hage_Ali_Hezbollah_final1.pdf.

Khamenei's fatwa and accused the group of abandoning its revolutionary roots to become another corrupt political party and puppet of the Lebanese state. Hezbollah expelled Al-Tufayli later from its ranks.⁶⁶ To justify the transitional shift that contradicted some of Hezbollah's main principles, including its persistent refusal to recognise the Lebanese system, Hezbollah portrayed this move as part of its effort to transform Lebanon from within. In Qassem's words in 1992, "In Lebanon, we must work within the framework of the political situation When the Hezbollah is not in this framework, it loses all influence We are a movement that wants change. We want to change the situation, and one way to do that, no matter how many limitations it involves, is entering the parliament."⁶⁷

Hezbollah's decision to adopt "a pragmatic Lebanese policy that diminished its revolutionary characteristics and pan-Islamic approach"⁶⁸ in this phase was seen by some as proof of its profound transformation from being a mere proxy for Iran to being an independent Lebanese player affected by local calculations. However, contrary to this perception, these measures actually constituted additional proof of Hezbollah's affiliation with Iran in two ways. First, Hezbollah's evolution during this period should not be seen as isolated from the major shifts in Iran. In fact, it is more appropriate to suggest that the changes in Hezbollah's behaviour were introduced to accommodate the change in Iran. Second, such changes allowed Hezbollah to adhere to the Iranian agenda while masking its ties with Tehran under the guise of being a fundamentally Lebanese actor.

On 20 July 1987, Iran's Supreme Leader Khomeini was forced to accept a United Nations-brokered ceasefire with Iraq under Security Council Resolution (UNSCR)598. Commenting on this, Khomeini said that "Taking this decision was more deadly than taking poison. I

⁶⁶ Hend Charif, "Durable State Rivals: Hezbollah and Lebanon" (MA Diss., Georgia State University, 2015): 38, https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1065&context=political_science_theses.

⁶⁷ Eitan Azani, *Hezbollah: The Story of The Party of God- From Revolution to Institutionalization* (London: Palgrave Macmillan, 2011): 97.

⁶⁸ Ibid.: x.

submitted myself to God's will and drank this drink for his satisfaction."⁶⁹ Two years later, after the war had ended, in June 1989, Khomeini died. These two events suggested that exporting the Iranian revolution by radical, violent, and military means had failed. Iran had to adopt new rational tools, tactics, and policies. Hezbollah's shift reflected this reality. Following Khomeini's death, Iran focused on reconstruction, strengthening its relations with Syria, expanding its regional influence, and avoiding significant clashes with Western Powers. Hezbollah successfully aligned with these Iranian goals by incorporating itself into Lebanese politics, shielding its weapons, and focusing on Israel and the resistance rhetoric.

Second, Hezbollah's evolution should also be seen as part of a survival strategy that enabled it to focus on long-term goals and consequently serve Iran's agenda better. In this sense, it was imperative for Hezbollah to incorporate itself into the Lebanese system. This step granted Hezbollah access to the state's resources, recognition as a political party to protect itself from being labelled a military or terrorist group, and an official platform from which to promote its ideology and maintain its weapons among other benefits. Without its Lebanese role, Hezbollah's story could have been ended quickly.

From 1992 to 2000, Israel launched two primary military operations against Hezbollah. The first started in July 1993 under the name Operation Accountability and lasted from 25 to 31 July. The second started in April 1996 under the name Operation Grapes of Wrath and lasted 16 days from 11 to 27 April. The accords following these military operations created what became known later as the "rules of the game" between Hezbollah and Israel.⁷⁰ These rules constrained Hezbollah operations against Israel and its citizens and directed them towards a security zone inside the occupied parts of Lebanon. Still, Hezbollah celebrated this outcome as a victory against Israel. Moreover, Hezbollah gained massive popularity in the Arab and Muslim world, especially following

⁶⁹ Robert Pear, "Khomeini Accepts 'Poison' of Ending the War with Iraq; UN Sending Mission," *The New York Times*, 21 July 1988, <https://www.nytimes.com/1988/07/21/us/khomeini-accepts-poison-of-ending-the-war-with-iraq-un-sending-mission.html>.

⁷⁰ Norton, *Hezbollah: A Short History*, 84.

the massacre committed by Israel in Qana during the second operation.⁷¹ The overwhelming popularity emboldened Hezbollah against calls for its “Lebanonisation.”⁷²

The phase extending from 1992 to 2000 defined Hezbollah as a semi-state actor that continued to enjoy unique status by employing a dual track. Hezbollah continued to enjoy the exclusivity of carrying up weapons and increasing its military capacity—with the pretext of resisting Israel—while at the same time increasing its influence in the Lebanese political system and gaining its benefits without bearing the responsibility of its armed actions and decisions. Hezbollah's governance, political, financial, and military capacity as well as popularity, continued to grow in this phase in a way that demonstrated a visible competition with the Lebanese State.

Phase Three: A State Within a State (2000–2006)

During March 1999 election campaign for prime minister, Israel's Ehud Barak pledged to withdraw Israeli troops from Lebanon by July 2000. Hezbollah believed that the chances of a unilateral Israeli withdrawal were extremely slim based on the assumption that such a step would be interpreted as an Israeli defeat.⁷³ In May 2000, Israel unilaterally withdrew from Southern Lebanon. No agreements or arrangements were concluded with Hezbollah or the Lebanese Government to set the stage for the post-withdrawal period. Publicly, Hezbollah celebrated the event as a major victory. The armed group's struggle against Israel was highly appreciated, as it had contributed to the expulsion of Israeli troops from the country. Since that time, Hezbollah has been widely perceived as the most effective combat force in Lebanon.

⁷¹ Ibid.

⁷² Tony Badran, “Hezbollah's Agenda in Lebanon,” Hudson Institute, 16 May 2009, <https://www.hudson.org/research/9800-hezbollah-s-agenda-in-lebanon>.

⁷³ Amal Saad Ghorayeb, *Hizbollah: Politics and Religion* (London: Pluto Press, 2002): 121–122.

However, contrary to initial expectations, the withdrawal constituted the most significant challenge yet to Hezbollah. Since its founding, Hezbollah had been using Israel's occupation as a pretext to retain weapons, act with impunity, maintain its unique status in the Lebanese system, and leverage this against opponents. Additionally, Hezbollah employed "resistance" rhetoric in domestic politics to gain political power and popular support.

The Israeli withdrawal thus created an unprecedented quagmire for Hezbollah because it was about to lose the primary condition that had granted the group its unique status. The withdrawal shed light on Hezbollah's special status in the Lebanese system and encouraged debate over its right to retain weapons. Hezbollah's arsenal has been the group's major asset that has enabled it to maintain an influential role on behalf of its foreign supporter, Iran. Disarming Hezbollah would ultimately diminish its unique status in Lebanon and turn the group into another political party at best.

To retain its arms and overcome the dilemma arising from the unilateral withdrawal of Israel, Hezbollah introduced new pretexts, including the presence of Israel in the disputed Shebaa Farms and the presence of Lebanese detainees. Additionally, Iran's Khamenei reiterated that Israel had not fully withdrawn from Lebanon. To that end, Hezbollah's Nasrallah announced that "The Resistance will continue even after the completion of the withdrawal because a new file will be opened, which is the file of Palestine and holy Jerusalem, which concerns the entire Islamic world."⁷⁴

However, the 2001–2003 period witnessed major regional and international events that brought greater attention to the relationship between Hezbollah and Iran, such as the 11 September 2001 attacks against New York and Washington, the 2001-US invasion of Afghanistan, and 2003 US-led invasion of Iraq. Following the September 11 attacks, Iran expressed sympathy with the US. Iran's Supreme Leader, Ali Khamenei, halted the "Death to America" slogan at Friday prayers,⁷⁵ and Iran

⁷⁴ Charif, 42.

⁷⁵ Barbara Slavin, "34 Years of Getting to No with Iran," *Politico Magazine*, 19 November 2013, <https://www.politico.com/magazine/story/2013/11/a-failure-to-communicate-100052/>.

offered to cooperate with the US in its Global War on Terror, among other things.⁷⁶ Ultimately, Tehran helped the US overthrow the Taliban and Saddam Hussein governments in Afghanistan and Iraq, respectively.⁷⁷

Considering internal and external developments, Hezbollah had to synchronise its stance with the Iranian position. Aside from some isolated minor operations,⁷⁸ Hezbollah avoided significant clashes with Israel, respected the “rules of the game” with Tel Aviv,⁷⁹ developed its military capabilities, amassed weapons, expanded its social services system, and boasted its “resistance narrative” propaganda to attract widespread support. Hezbollah was clearly becoming “a state within the Lebanese State.” It developed its own army, foreign policy, financial system, and a loyalty independent of the Lebanese State and even in contrast with it.

In January 2004, a major swap of detainees occurred between Israel and Hezbollah, yet Hezbollah did not signal that it would surrender its weapons. Eight months later, the UN Security Council approved resolution 1559.⁸⁰ The resolution called upon Lebanon to establish its sovereignty over all of its land; demanded “foreign forces” to withdraw from the country and stop intervening in its internal politics, and finally, demanded that all Lebanese and foreign forces on Lebanese soil be disbanded and disarmed. Former Prime Minister Rafik Hariri was vocal about Syria's presence in Lebanon and Hezbollah's arms in his attempt to implement UNSCR 1559.⁸¹ As a result, in February 2005, Hariri was assassinated in a car bombing in downtown Beirut that also killed 21 others; Hezbollah was implicated in the assassination.⁸² In 2011,

⁷⁶ Wael Zammit, “US–Iran ‘Special’ Relations Between 2001 and 2003: Friends or Foes?” *E-International Relations*, 30 August 2015, <https://www.e-ir.info/2015/08/30/us-iran-special-relations-between-2001-and-2003-friends-or-foes/>.

⁷⁷ Interview with Ali Abtahi, Vice President of Iran from 2001 to 2004, *PBS*, 23 October 2007, <https://www.pbs.org/wgbh/pages/frontline/showdown/interviews/abtahi.html>

⁷⁸ Abdul-Hussain, 72.

⁷⁹ Norton, “The Role of Hezbollah in Lebanese Domestic Politics,” 479.

⁸⁰ Full Text of United Nations Security Council Resolution 1559, UN Digital Library, 2004, <https://digitallibrary.un.org/record/529421?ln=en>.

⁸¹ Charif, 43–44.

⁸² “Lebanese Hezbollah,” Congressional Research Report, 1 February 2021, <https://crsreports.congress.gov/product/pdf/IF/IF10703>.

the United Nations-backed Special Tribunal for Lebanon (STL) indicted four Hezbollah members in connection with the Hariri assassination and conducted trials in absentia. In 2020, the STL found one Hezbollah member guilty and sentenced him to five terms of life imprisonment.⁸³ In 2022, two additional Hezbollah members were convicted.⁸⁴

The assassination triggered what became known as the Cedar Revolution, a large coalition of Sunnis, Christians, and Druze that opposed Syrian presence in Lebanon and called on the implementation of UNSCR 1559. As a result, Syria was forced to leave Lebanon. Hezbollah responded with its “Thank you Syria” campaign and led a major pro-Syria and Iran alliance composed mainly of Shi‘as and some supporters from other sects, resulting in the division of Lebanon into two political camps: March 8 and March 14.⁸⁵ Following Syria’s withdrawal from Lebanon, Hezbollah focused on protecting its internal status by increasing its presence and influence over the Lebanese institutions, shielding itself against increasing demands to disarm and amassing weapons. In 2015, Hezbollah joined the Lebanese Government for the first time to protect itself against international pressure to disarm. Hezbollah consolidated its position by creating an alliance with the Christian politician Michael Aoun, a former anti-Hezbollah/Syria politician fixated on becoming president. Aoun realised that he could not fulfil his goal without the support of Hezbollah and the Assad regime. And for Hezbollah, gaining support from Aoun and his Free Patriotic Movement was important for it and for Iran to “showcase multi-sectarian window dressing for its agenda, using them to lend cross-religious cover and social legitimacy.”⁸⁶ The pact signed between Nasrallah and Aoun was also known as “The Pact of Minorities,” as it primarily targets the Sunnis.⁸⁷

⁸³ Ibid.

⁸⁴ “Rafik Hariri Killing: Hezbollah Duo Convicted of 2005 Bombing on Appeal,” *BBC News*, 10 March 2022, <https://www.bbc.com/news/world-middle-east-60691507>.

⁸⁵ Eva Dingel, “Hezbollah’s Rise and Decline? How the Political Structure Seems to Harness the Power of Lebanon’s Non-State Armed Group,” *Sicherheit Und Frieden (S + F)/Security and Peace* 31, no. 2 (2013): 71. <https://www.jstor.org/stable/pdf/24234143.pdf>.

⁸⁶ Badran, “Hezbollah’s Agenda in Lebanon”, 61.

⁸⁷ Makram Rabah, Tahaluf al aqalliyat wal sigha al-lubnaniyyah, *Al-Nahar Newspaper*, 3 December 2020. [In Arabic]. <https://www.annahar.com/arabic/makalat/opinions/03122020094416821>.

In March 2006, Lebanon's political leaders set up a "National Dialogue" table to address the UN-led inquiry into the assassination of Rafiq Hariri, Lebanon's relations with Syria, and the implementation of UNSCR 1559, which had called for the disarming of militias.⁸⁸ Hezbollah refused to discuss disarmament and boosted the false claim that its weapons were already protecting Lebanon because they acted as a deterrence to Israel. Moreover, it suggested a new formula under a national defence strategy comprising a trio "the army, the people, and the resistance" to be charged with the defence of Lebanon. The strategy did nothing but lend legitimacy to Hezbollah's state inside the Lebanese State. Accordingly, this arrangement was not endorsed by those who oppose Hezbollah because they argued that the state should not have a dual face (official and resistance), that weapons should be exclusively in the hands of the state, and that the decision of war and peace should solely belong to the Lebanese Government.⁸⁹

Although Hezbollah's leader, Hassan Nasrallah, promised not to take the Lebanese to a new war in the summer of 2006,⁹⁰ Hezbollah executed a cross-border operation in July, resulting in the death of three Israeli soldiers and the abduction of two in Lebanon. Israel responded with a devastating military operation that lasted 34 days, killing 1450 Lebanese, displacing 900,000, and causing up to \$7 billion in losses in both infrastructure and economic activities.⁹¹ The conflict was bloodier than anyone had expected and set new rules for the game.⁹² Although Hassan Nasrallah confessed, "We...did not expect even one percent that the capture operation would lead to a war of this scale and magnitude....If I had known that the capture operation would lead to this outcome,

⁸⁸ Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 483.

⁸⁹ Elias Hanna, "Al-Istratigeyyah al-difa'iyah al-lubnaniyyah min minthar mahalli wa Iqlimi", *Aljazeera Center for Studies*, 20 November 2008. [In Arabic]. <https://studies.aljazeera.net/en/node/2915>.

⁹⁰ Adrien Jaulmes, "The Party of God Poses as a Rival to the Lebanese State," *Le Figaro*, 11 August 2006, https://www.lefigaro.fr/debats/2006/08/11/01005-20060811ARTW90430-the_party_of_god_poses_as_a_rival_to_the_lebanese_state.php.

⁹¹ Marwan Iskandar, Durus natae'j harb al-2006, *Al-Nahar newspaper*, 9 October 2020. [In Arabic]. <https://www.annahar.com/arabic/authors/08102020103830515>.

⁹² Nahum Barnea, "Israel vs. Hezbollah," *Foreign Policy*, November–December 2006, https://www.jstor.org/stable/pdf/25462101.pdf?refreqid=excelsior%3A7868a3308a77879f081d3f2491c4a213&ab_segments=&origin.

we would definitely not have done it,”⁹³ he boasted the war had been a divine victory for Hezbollah.

In reality, UNSCR 1701,⁹⁴ which concluded the conflict, significantly restricted Hezbollah. As a result, Hezbollah has conducted almost no major military operation against Israel in the last 15 years. Hezbollah’s operation in July 2006 confirmed the general wisdom that the party is not committed to a Lebanese agenda. There were no reasonable and compelling conditions to execute it, especially following Nasrallah’s public promise not to drag Lebanon to a war that summer. The operation was obviously conducted due to Iranian reasons. During President Mahmoud Ahmadinejad’s presidency (2005–2013), the IRGC was expanding,⁹⁵ Iran’s nuclear programme became an issue in the international arena, and the UN Security Council adopted resolution 1696 in July 2006, demanding Iran to halt uranium enrichment activities within a month.⁹⁶ The 2006 war confirmed, again, the organic bond between Hezbollah and Iran. Thirteen years later, the public would know through an interview posted on Iranian Supreme Leader Ali Khamenei’s website that the commander of the IRGC’s Al-Quds Force, Major General Qasem Soleimani, was directing Hezbollah’s operations from Beirut during that war.⁹⁷

During this phase, which extended from 2000 to 2006, Hezbollah uncovered it has its own financial, foreign, and defence policies, which are different from those of the Lebanese State. Hezbollah continued to receive vast financial support from Iran in cash, missiles, and rocket capabilities and extended its social services system. Moreover, to consolidate public support from the Shi‘i community, Hezbollah showed increasing

⁹³ Video of Hassan Nasrallah’s interview, August 2006, <https://www.aljazeera.tv/arabic/episode/law-kont-a3lam-1>.

⁹⁴ Full Text of United Nations Security Council Resolution 1701, UN Documents, 2006, <http://unscr.com/en/resolutions/doc/1701>.

⁹⁵ Mohammad Hossein Ziya, “The fall or rise of the IRGC?” Middle East Institute, 24 April 2019, <https://www.mei.edu/publications/fall-or-rise-irgc>.

⁹⁶ Holly Dages, “Timeline: Iran’s Nuclear Program,” *The Cairo Review*, 2013, https://www.thecairoreview.com/wp-content/uploads/2014/12/CR10_Timeline.pdf.

⁹⁷ “Iran’s Soleimani claims he and Nasrallah barely escaped Israeli air raid in 2006,” *The Times of Israel*, 1 October 2019, <https://www.timesofisrael.com/irans-soleimani-claims-israeli-uav-targeted-him-nasrallah-mughniyeh-in-2006/>.

sectarian tendencies compared to the previous periods. Following its inability to use the borders with Israel to score propaganda and serve Iran's interests, Hezbollah expanded its internal and regional roles and directed its military operations inwards and towards Arab countries.

Phase Four: A Hybrid State Hacking the State (2006–Now)

The 2006 war was meant to raise the costs on Hezbollah and its Shi'i community, as well as the Lebanese State, for engaging in conflict with Israel. Israel noticed that Hezbollah had begun to employ the state's facilities and resources in its activities, and thus Lebanon's critical infrastructure was not excluded in that war. The war inflicted colossal human, financial, political, and material costs on Lebanon, the Lebanese people, especially the Shi'i community and Hezbollah. It significantly constrained Hezbollah's ability to engage with Israel. Tel Aviv wanted the war to serve as a deterrent as well as an example for possible future military engagement.

In the aftermath of the war, Hezbollah continued to wield power and receive weapons and money from Iran. However, its narrative of victory did not last long, as more Lebanese people demanded Hezbollah to be disarmed. Accumulating excess power, Hezbollah turned inwards to suppress its opponents and gain power through the Lebanese State.

As a result, Lebanon became hostage to Hezbollah's policies. In its relations with the government and the Lebanese State, Hezbollah developed a three-factor formula (utilise, paralyse, marginalise). On the utilise level, Hezbollah wielded power through the Lebanese State's institutions through ministries, civil service, and political allies, as well as through financial transactions and public contracts (such as the use of state commercial and finance regulations, and public contracts), control of the land border and port of Beirut, the Lebanese Armed Forces, and security institutions.⁹⁸ On the paralyse level, Hezbollah used street demonstrations, general strikes, armed clashes, and the "disrupting third"

⁹⁸ Khatib, 1–36.

mechanism to block the government's decisions or even to terminate the government by withdrawing one-third of its ministers plus one from the cabinet.⁹⁹ On the marginalise level, Hezbollah ignored Lebanon's general policies and regulations and worked with impunity depending on its overwhelming hard power.

From 2006 to 2009, Hezbollah used these tactics extensively to block attempts to disarm it and prevent the ratification of the statutes for a UN Special Tribunal for Lebanon (STL).¹⁰⁰ For example, in 2008, the government tried to limit Hezbollah's illegal influence in state institutions; Hezbollah responded by using its weapons against fellow Lebanese and forced a military takeover of Beirut. The crisis ended by giving Hezbollah and its allies veto power over the government for the first time,¹⁰¹ thus practically allowing it to control the government. By doing this, Hezbollah had complete influence over Lebanon, its institutions, and its sovereign decisions, whether via its vast hard power or its veto power inside the government. Hezbollah was able to project considerable power but still bore no responsibility for its actions. Hezbollah's control over Lebanon has ensured that counting on the Lebanese State to disarm Hezbollah is a non-starter. The function of the Lebanese Government became to shield Hezbollah, defend its agenda, and endorse its foreign policy preferences.¹⁰²

This phase coincided with Iran's significant regional expansion. The ascendance of President Mahmoud Ahmadinejad in Iran and the support he enjoyed from the Supreme Leader empowered the IRGC regional activities. Additionally, US President Barak Obama showed signs of appeasement towards Iran, withdrew the US troops from Iraq, and assured the Iranian leadership that Washington intended to engage with

⁹⁹ Lubnan: "Al-Thilth al-Mu'attil" fi al-Hukuma adat li ma'arakat ri'asat al-Jumhuriyyeh, *Al-Sharq al-Awsat newspaper*, 15 January 2019. [In Arabic]. <https://tinyurl.com/mu49f6wf>.

Nahum Barnea, "Israel vs. Hezbollah.

¹⁰⁰ Dingel, 71.

¹⁰¹ Khatib, 24.

¹⁰² Tony Badran, "Distinction between Hezbollah and the 'Lebanese State' Now Meaningless," Foundation for Defense of Democracies, 5 June 2017, <https://www.fdd.org/analysis/2017/06/05/distinction-between-hezbollah-and-the-lebanese-state-now-meaningless/>.

the Iranian regime in dialogue.¹⁰³ In Iraq, Nouri al-Maliki, an infamous sectarian and pro-Iran Shi'i figure, ascended to power as a Prime Minister with Tehran's help,¹⁰⁴ and Iran started to fortify the land bridge connecting it to Lebanon through Iraq and Syria. In other words, the Shi'i Crescent began to form. Iran suppressed internal¹⁰⁵ and external voices opposing this project, in Beirut in 2008,¹⁰⁶ in Tehran in 2009, and in Baghdad and Damascus in 2011.

During this period, Hezbollah notably increased its military operations in foreign countries, which has nothing to do with the agenda of the Lebanese State and the Lebanese people, demonstrating its organic affiliation to the Iranian regime and the Supreme Leader. As early as 2005, Hezbollah established a covert unit in Iraq to train and advise the Iraqi Shi'i militia under the supervision of its special operations commander, Ali Musa Daqduq al-Musawi.¹⁰⁷ Hezbollah dispatched its former special operations commander Khalil Harb to oversee Hezbollah's activities in Yemen, alongside combative commanders like Abu Ali Tabatabai to aid the Houthis' guerrilla tactics.¹⁰⁸ In Syria, Hezbollah made the most significant foreign deployment ever. Since day one of the Syrian revolution, Hezbollah has intervened on behalf of the Assad regime against the rebels. Nevertheless, its first public admission came in 2012.¹⁰⁹ In 2013, Hezbollah deployed up to 10,000¹¹⁰ fighters to

¹⁰³ Amin Tarzi, "Iran's Nuclear Deal and The 'Obama Doctrine,'" Foreign Policy Research Institute (FPRI), 16 March 2016, <https://www.fpri.org/article/2016/03/irans-nuclear-deal-obama-doctrine-analysis/>.

¹⁰⁴ Martin Chulov, "How Iran Brokered a Secret Deal to Put Its Ally in Power in Iraq," *The Guardian*, 17 October 2010, <https://www.theguardian.com/world/2010/oct/17/iran-secret-deal-political-power-iraq>.

¹⁰⁵ Eli Lake, "Why Obama Let Iran's Green Revolution Fail," *Bloomberg*, 24 August 2016, <https://www.bloomberg.com/opinion/articles/2016-08-24/why-obama-let-iran-s-green-revolution-fail>.

¹⁰⁶ Raed Rafei, "In Show of Might, Hezbollah Takes Control of West Beirut," *Los Angeles Times*, 10 May 2008, <https://www.latimes.com/archives/la-xpm-2008-may-10-fg-lebanon10-story.html>.

¹⁰⁷ Levitt, 10.

¹⁰⁸ Ibid.

¹⁰⁹ Mohanad Hage Ali, "PowerPoints Defining the Syria-Hezbollah Relationship," Carnegie Middle East Center, March 2019, 8, <https://carnegie-mec.org/2019/03/29/power-points-defining-syria-hezbollah-relationship-pub-78730>.

¹¹⁰ Though the number of fighters in the country was typically lower than that as fighters rotated in and out on months-long tours of duty.

Syria¹¹¹ to join other Shi'i militias groups led by the IRGC.¹¹² Mustafa Badreddine, a senior leader who was implicated in the 2005 assassination of former Lebanese Prime Minister Rafiq Hariri and who replaced his cousin, Imad Mughniyeh, in the leadership of Hezbollah's foreign operations after the latter was killed in 2008, led Hezbollah's fighters in Syria.¹¹³

The Syrian revolution significantly undermined Hezbollah's status inside Lebanon and in the Arab and Islamic world. Hezbollah portrayed its intervention as necessary to protect Shi'i shrines and counter radicals. In reality, Iran knew that it could not afford to lose Syria and consequently Hezbollah, its most successful hybrid export and most important foothold in the Levant.¹¹⁴ Therefore, Tehran has gone to great lengths to preserve its position in Syria with Hezbollah and allied Shi'i militias.

In this phase, Hezbollah felt no need to hide the scope and depth of its affiliation to Iran's supreme leader. Winning the hearts and minds of Lebanese and Arab populations was no longer a priority, as the group has gone undeterred. Feeling the excess of power and the fact that it can act with impunity, Hezbollah's leader, Hassan Nasrallah, publicly boasted in May 2008, his first public statement in more than two decades, that "I declare today, and there is nothing new in this, I am proud to be a soldier in the *wilayat al-faqih*'s party."¹¹⁵ In another statement in June 2016, Nasrallah openly confessed for the first time that "Hezbollah's budget, pensions, expenses, food, drink, weapons, and missiles, all from the Islamic Republic of Iran. You have nothing to do with us."¹¹⁶ Hezbollah's leader further publicly admitted: "As long as Iran has money,

¹¹¹ Levitt, 11.

¹¹² Marisa Sullivan, "Hezbollah in Syria," Institute for the Study of War Middle East Security Report 19, April 2014, 13, https://www.understandingwar.org/sites/default/files/Hezbollah_Sullivan_FINAL.pdf.

¹¹³ Levitt, 10.

¹¹⁴ Jeffrey Feltman, "Hezbollah: Revolutionary Iran's Most Successful Export," Brookings Institution, 17 January 2019, <https://www.brookings.edu/opinions/hezbollah-revolutionary-irans-most-successful-export/>.

¹¹⁵ Full Text of Hassan Nasrallah's Speech, 27 May 2008, <https://www.alwatanvoice.com/arabic/news/2008/05/27/128877.html>.

¹¹⁶ Video of Hassan Nasrallah's statement, Al-Arabiya, 25 June 2016, <https://www.youtube.com/watch?v=VFwODFdZ6Dw>.

we have money... just as we receive the rockets, we receive our money. No law will prevent us from receiving it," he added, "all the banks of the world cannot stand as an obstacle to Hezbollah."¹¹⁷ In October 2021, Nasrallah bragged that Hezbollah has 100,000 militants.¹¹⁸

Conclusion

The notion of *wilayat al-faqih* plays a pivotal and decisive role in determining Hezbollah's identity, nature, role, agenda, and the type of relationship between the group and Iran. Additionally, it greatly influences Hezbollah's means of governance, power, and legitimacy. To understand Hezbollah better, it is imperative to consider *wilayat al-faqih* as the origin from which everything else is derived. Examining Hezbollah's nature, behaviour, and actions throughout the four phases examined above since 1985, we can clearly see that Hezbollah has evolved, but not in the way that many observers expected in the last three decades or so. In comparison to the 1985 version, the current version of the Hezbollah is certainly different in terms of rhetoric, organisational structure, financial capacity, and military capability. Politically, Hezbollah has incorporated itself into the Lebanese system indeed, but not to start its Lebanonisation process as some falsely thought.

During much of the second phase (1992–2000), Hezbollah's governance enjoyed considerable freedom and acceptance due to the shortcomings of the Lebanese State, which was coming out of a civil war while part of its land was still under the Israeli occupation. Defeating its internal rivals and providing social support, social services, infrastructure, and security to a portion of the Lebanese people (the Shi'i community), joining the political life, and focusing on combating Israel, granted Hezbollah vast influence over its community, as well as power, and broad legitimacy in Lebanon and beyond. Despite Iran's involvement in its

¹¹⁷ Ali Bakir, "Hezbollah's Finances Are Its Achilles' Heel," *The National Interest*, 27 January 2019, <https://nationalinterest.org/feature/hezbollahs-finances-are-its-achilles-heel-42462>.

¹¹⁸ Sarah El Deeb, "Hezbollah Leader Declares His Group Has 100,000 Fighters," AP, 18 October 2021, <https://apnews.com/article/middle-east-lebanon-beirut-civil-wars-hassan-nasrallah-a3c10d99cca2ef1c3d58dae135297025>.

structure and process, Hezbollah's governance seemed efficient because it was widely perceived as playing a complementary rather than competitive role to the Lebanese state.

Following the Israeli withdrawal from Lebanon in 2000, however, things headed south for Hezbollah. Hezbollah's state within the Lebanese State model of governance created distrust and fear. Not only has Hezbollah begun to be seen as a competitor to the state and its functions in security, foreign policy, and economy, but also an obstacle to its ability to recover, establish its sovereignty, and retain its exclusive ability to use coercive power. The 2006 war, 2008 takeover of Wester Beirut, and 2011 involvement in supporting the Assad regime against the Syrian revolution seriously undermined Hezbollah's cause and legitimacy. What was thought to be a complementary role became a collisional one. Hezbollah's public good turned into public bad. For many Lebanese people, Hezbollah became a problem rather than a solution. More Lebanese people are feeling insecure and threatened by Hezbollah's increasing dominance and coercive power now decades earlier. For them, Hezbollah's goal has always been using the Lebanese State to serve its interests, not the opposite. By employing it in its agenda, however, Hezbollah created an inverse relation between itself and the Lebanese State. As a result, for Hezbollah to survive, it has to undermine the Lebanese State and keep it weak by, for instance, employing the state's resources, using the political system as a shield against foreign punishment, and hacking the state's agenda to serve its own. While many things have changed for Hezbollah and its environment since the 1980s, two things remained fixed: its firm adherence to the doctrine of *wilayat al-faqih* and its consistent refusal to give up its weapons; a change in either of these would mark the only real change that Hezbollah could witness.

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Ruling Without Responsibility: Badr Organisation, Asa'ib Ahl al-Haq, and Kata'ib Hezbollah After Defeating ISIS in Iraq

Massaab Al-Aloosy

Introduction

Decades of enduring weakness of the Iraqi state enabled the proliferation of non-state armed groups. The rise of ISIS in 2014 proved to be a catalyst in this regard, as Shi'i militias mustered power to encounter the emerging Sunni threat but simultaneously proved to be an additional impediment to the creation of a functioning Iraqi state. The weakness of the state, combined with ill governance and corruption, were some of the factors that led to the rise of ISIS. Reports of “ghost” fighters, who were on record to be paid but in reality were non-existent surfaced shortly after the Iraqi army's retreat from Mosul and other provinces. Instead of relying on its security apparatus, the government was compelled to accept the mobilisation of militias. *Al-Hashd Al-Shaabi*, or the Popular

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Mobilisation Forces (PMF), is an umbrella of 50 militias with different ideological leanings and incoherent leadership. Although estimates vary regarding the number of PMF fighters, the sheer size is impressive. At the beginning of the fight to liberate Iraqi territory from ISIS, it was estimated that the number of PMF fighters reached as high as 250,000 fighters.¹ The reason behind this high number is the mistrust that many Iraqis had towards their security forces given their abysmal performance in fending off the rise of ISIS. Iraqis believed the army also to be marred by corruption and the inability to face the impending grave danger which ISIS represented. Nearly 75 per cent of volunteers registered with the PMF, partially because of mistrust of the Iraqi military but also as a result of the appeal of Ayatollah Ali al-Sistani's edict to join forces against ISIS. Thus, many Iraqis considered the PMF a nationalistic force on which Iraq could rely to defeat the nascent terrorist group, despite the differences on more than one level between the PMF factions.

There are numerous differences between the Hashd factions, such as stances towards the state, military strength, and ideological convictions. One of the basic distinctions between the PMF groups is whether the armed groups lean towards Iran, sometimes called *fasa'il al-muqawamma* or resistance formations, or *hashd al-dawla* meaning the state's hashd. As the former retained popularity within Iraqi society for fighting ISIS, the former is viewed negatively due to its alliance with Iran.² In other instances, groups allied with Iran are called *hashd al-wala'i*—*wala'* is Arabic for loyalty, implying loyalty to Iran and its supreme leader Ali Khamenei.³ Some analysts, on the other hand, divide the hashd into three categories depending on the religious source of emulation: the groups that adhere to Iran's Supreme Leader Ali Khamenei, Ayatollah

¹ Vanda Felbab-Brown, "Pitfalls of the Paramilitary Paradigm: The Iraqi State, Geopolitics, and al-Hashd al-Shaabi," Brookings Institution and United Nations University Centre for Policy Research, Policy Brief (June 2019), https://www.brookings.edu/wp-content/uploads/2019/06/FP_20190625_iraq_felbab_brown.pdf.

² Fanar Haddad, "Iraq's Popular Mobilization Units: A Hybrid Actor in a Hybrid State," in *Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-Conflict Transitions*, ed. Adam Day (New York: United Nations University, 2020): 30–75.

³ Fanar Haddad, "Understanding Iraq's Hashd al-Sha'bi: State and Power in Post-2014 Iraq," The Century Foundation (2018): 4.

al-Sistani, or Iraqi cleric Muqtada al-Sadr.⁴ Furthermore, other experts put the PMF factions into five categories: (1) the pre-existing Shi'i armed groups that were active between 2003 and 2014; (2) armed wings such as Saraya as-Salam which constitute the armed wings of political parties; (3) new armed groups that emerged as a response to Ayatollah Sistani's fatwa against ISIS; (4) small groups that were created along tribal lines and for local security considerations; and finally, (5) the Turkmen hashd.⁵ This chapter focuses on the Badr Organisation, Kata'ib Hezbollah, and Asa'ib Ahl al-Haq, who are allied with Iran and constitute the most powerful factions in the PMF in terms of military might, political influence, and economic activity. These three militias morphed to be the strongest factions of the PMF and have been the most persistent in their independence and adamant about putting down their weapons to become unarmed political parties.

The Badr Organisation, Kata'ib Hezbollah, and Asa'ib Ahl al-Haq were created at different intervals before the rise of ISIS, formed the backbone of the PMF in 2014, and, with the support of Iran's Quds Force, are considered militarily the best equipped and battle-hardened. Iranian support, in some instances dating back decades, has been instrumental in strengthening these militias not only in terms of training and equipment but also in terms of ideological indoctrination and trying to merge these groups under one umbrella. In fact, some reports suggest that there were plans, with the supervision of Iran, to combine these groups to create an organisation similar in outlook to the PMF months before the advent of ISIS, with Badr at the core of this new organisation.⁶ These factions are interwoven within Iraq's security services, political parties, and economy, and their "members include not only fighters, but also parliamentarians, cabinet ministers, local governors, provincial

⁴ International Crisis Group, "Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State," Middle East Report 30, no. 188 (2018).

⁵ Al-Aloosy, Massaab. "Rethinking Ayatollah al-Sistani's Power in Iraq" Gulf International Forum, Jan 2, 2023. <https://gulfif.org/rethinking-ayatollah-al-sistanis-power-in-iraq/>; and Hassan Abbas, "The Myth and Reality of Iraq's al-Hashd al-Shaabi (Popular Mobilization Forces): A Way Forward," Friedrich Ebert Stiftung Policy Paper, September 2017, <https://library.fes.de/pdf-files/bueros/amman/13689.pdf>.

⁶ Nibras Kazimi, "The Origins of the PMUs," The Talisman Gate, 1 July 2016, <https://talisman-gate.com/2016/07/01/the-origins-of-the-pmus/>.

council members, business figures in both public and private companies, senior civil servants, humanitarian organisations and civilians.”⁷ Shortly after the defeat of ISIS, it became evident that the Iraqi state could not control these militias, and thus they continue to contest the state’s legitimacy over the monopoly of the use of force. The government’s weakness became apparent when Haider al-Abadi, the former prime minister, failed to impose his will to forbid the Hashd leadership from participating in the 2018 elections.⁸ This incident proved, yet again, the weakness and the inability of the Iraqi state in addressing the autonomy of the PMF. The fragility of the Iraqi state allowed for the legitimisation of the PMF, but in doing so the state itself became undermined. The PMF’s role in politics, in combination with its autonomous military capabilities, is proving to be the biggest challenge to a robust Iraqi state. Today, Iraqi sovereignty is continuously contested by groups who are accumulating power through the PMF and are increasingly emboldened to play a larger role that sometimes surpasses the role of the Iraqi state but lacks responsibilities that entail political power—in other words, ruling without responsibility. In short, after the state relies on militias in times of weakness, the militias themselves become more powerful than the state.

Parallel States

Many studies on insurgency consider it to be diametrically opposed to the existing government and thus refer to inherent competition between the two; however, an insurgency can play a different role by acting as parallel to the government in a given country by benefiting from its participation in the political order without being responsible for its shortcomings. Non-state armed groups contest the state’s sovereignty—the

⁷ Renad Mansour, “Networks of Power: The Popular Mobilization Forces and the State in Iraq,” Chatham House Middle East and North Africa Programme Research Paper, February 2021, <https://www.chathamhouse.org/sites/default/files/2021-02/2021-02-25-networks-of-power-mansour.pdf>.

⁸ Paul Iddon, “Can Abadi Reel in the Hashd al-Shaabi Before May Elections?” *Rudaw*, 11 November 2017, <https://www.rudaw.net/english/analysis/28112017>.

belief that the state possesses a defined population, specific territory, and monopoly of violence. Institutions in strong states are robust and have political, social, and economic structures that are “resilient enough to deal with shocks and adaptable enough to deal with changing contexts and redistribute authority within the structure.”⁹ According to some analysts, the goals of insurgencies are tactical, with the end aim to dissuade the central government from a course of action that spurred popular discontent; in other words, insurgencies are armed protests.¹⁰ Another definition also alludes to the struggle between the state and an insurgency, whereby the state tries to retain power, and the insurgents’ “objective is to expand its popular base of support and defeat or displace the state.”¹¹ But definitions become elusive if we take into consideration some non-state actors that actually benefit and support weak governments.¹² An insurgency can succeed in altering the government’s behaviour by being a component of it, and instead of overthrowing, the government; in this way, non-state armed groups can maintain military power while being active in the political system. Moreover, the decadence of the state means that responsibility is a burden with fewer spoils to divide.¹³ With weak identities, incompetent governments, and insurgencies that are stronger than standing armies, the aim for insurgents is not to inherit a dilapidated state with no spoils to share but rather to strike a balance between being part of the government and maintaining

⁹ Johan Lammers, “Defining Insurgency: Framework of Conditions, Causes, and Consequences Applied to the Dutch Revolt,” *Evolution* (2017): 2.

¹⁰ Brian R. Hamnett, *Roots of Insurgency: Mexican Regions, 1750–1824* (Cambridge University Press, 2002): 47.

¹¹ Gordon H. McCormick, Steven B. Horton, and Lauren A. Harrison, “Things Fall Apart: The Endgame Dynamics of Internal Wars,” *Third World Quarterly* 28, no. 2 (2007): 322.

¹² Al-Aloosy, Massaab. “Deterrence by insurgents: Hezbollah’s military doctrine and capability vis-à-vis Israel.” *Small Wars & Insurgencies* 33, no. 6 (2022): 999–1016.

¹³ Al-Aloosy, Massaab. “Insurgency, Proxy, and Dependence: How Hezbollah’s Ideology Prevails Over its Interest in its Relationship with Iran.” *International Journal* (2023): 00207020231175679.

autonomy.¹⁴ As such, it becomes more pertinent to use a more precise definition.¹⁵

The erosion of the state's capacity and decline of the social contract, in addition to challenges to national identities, led to the *hybridisation of security* paving the way for the emergence of informal security. While this process has been top-down, more recently it has been bottom-up.¹⁶ This process tends to take place in historically weak states, as the governments cannot play a leading role during a war, and militias can play an augmenting role. But as the militias gain power, the state, simultaneously, can grow weaker and struggles to address the new contestant for power. The militias "are known to violate the law, exacerbate social tensions, influence electoral politics, have their own agendas and interests, and delegitimise state authority."¹⁷ In such situations, a contest ensues over principles and visions, and division for the players "trying to amass different forms of capital to use in their struggle for dominance, such as the economic, coercive and social capital that comes from the ability to organise and benefit from networks or group action."¹⁸ It is also normal that, in countries where elections are held, militias participate in the elections, a phenomenon that is labelled *electoral armed groups* which are the non-state armed actors, linked to governments or oppositions, involved in militarised elections. They include "militias, the armed wings of parties, criminal networks, militant groups, insurgents, and student

¹⁴ Al-Aloosy, Massaab. "Hezbollah in Syria: An Insurgent's Ideology, Interest, and Survival." *Middle East Policy* 29, no. 1 (2022): 125–138.

¹⁵ Massaab Al-Aloosy, *The Changing Ideology of Hezbollah* (New York: Springer International Publishing, 2020).

¹⁶ Yezid Sayigh, "Hybridizing Security: Armies, Militias and Constrained Sovereignty," Carnegie Middle East Center, 30 October 2018, <https://carnegie-mec.org/2018/10/30/hybridizing-security-armies-militias-and-constrained-sovereignty-pub-77597>. Also, Al-Aloosy, Massaab. "Deterrence by Insurgents: Hezbollah's Military Doctrine and Capability vis-à-vis Israel." *Small Wars & Insurgencies* (2022): 1–18. And Al-Aloosy, Massaab, "Hezbollah in Syria: An Insurgent's Ideology, Interest, and Survival." *Middle East Policy* 29, no. 1 (2022): 125–138.

¹⁷ Jessa Rose Dury-Agri, Omer Kassim, and Patrick Martin, "Iraqi Security Forces and Popular Mobilization Forces," Institute for the Study of War, December 2017, https://www.understandingwar.org/sites/default/files/Iraq%20-%20ISF%20PMF%20Orders%20of%20Battle_0_0.pdf.

¹⁸ Toby Dodge, "Understanding the Role of al-Hashd al-Shaabi in Iraq's National and Transnational Political Field," *Challenges to the Middle East North Africa Inclusionary State*, Project on Middle East Political Science (POMEPS) Study 37 (February 2020): 5–12, <https://pomeps.org/understanding-the-role-of-al-hashd-al-shaabi-in-iraqs-national-and-transnational-political-field>.

activist organizations.”¹⁹ Iraq clearly represents such a case. The PMF, or at least many of its factions, plays a significant role within the political system. However, the political role these groups play is detrimental for the democratic process because it does not share the aim of creating vibrant political and economic institutions; rather, the PMF benefits from the weakness of the state, and its political role is mainly to protect its autonomy outside of the state and its shadowy economic activity.

Political Roles for Narrow Interests

There are several reasons behind the participation of militias in the Iraqi political system, including legitimisation by the government granting militias further legitimacy, which is very important for any entity that has arms.²⁰ Participating in the existing government also ensures that the state will not be used, at least from a legal perspective, against militias, i.e., to ensure continuity. The existence of the Badr Organisation, Asaʿib Ahl al-Haq, and Kataʿib Hezbollah preceded their participation in elections, and they coalesced after the fight against ISIS by forming the Fatah Alliance—Arabic for conquest—during the 2018 elections. The weakness of the Iraqi government after 2003 allowed for the mushrooming of several armed groups. Initially, many of them were fighting American troops whom many considered an occupying force, but simultaneously many of these groups were supported by Iran which saw a strategic threat from the presence of US forces on its eastern border.²¹

The role the Badr Organisation has played is indicative of how it has exploited the state while being part of it. The Badr Brigade was the armed wing of the Supreme Council for Islamic Revolution in Iraq (SCIRI), a mosaic of Shiʿi groups opposed to the rule of Saddam Hussein. Its

¹⁹ Paul Staniland, “Armed Groups and Militarized Elections,” *International Studies Quarterly* 59, no. 4 (2015): 695.

²⁰ Al-Aloosy, Massaab. “Iran’s Proxies and Iraq’s Parliamentary Elections: Ideological Rhetoric without Political Substance” *Gulf International Forum*, Nov 2, 2022. <https://gulffif.org/irans-proxies-and-iraqs-parliamentary-elections-ideological-rhetoric-without-political-substance/>

²¹ Al-Aloosy, Massaab. “Biden, Iran: Do Democrats mean Détente with Iran?.” *Strategic Analysis* (2020).

members, including Hadi Al-Ameri, the current leader, fought alongside Iranian forces during its war with Iraq. The invasion of Iraq in 2003 presented an opportunity for many groups supported by Iran, especially SCIRI, to play a political role but with dubious endeavours. After the demise of the Baathist regime led by Saddam Hussein, the Badr Organisation splintered from its political wing, now called The Islamic Supreme Council of Iraq, and infiltrated the state on many levels. Members of the group have been integrated within the state's institutions, and its leadership took several ministerial posts, packing these ministries with loyalists. Many Badr fighters "were inserted into the Iraqi Army, Ministry of Interior (MoI), intelligence agencies and special forces, many of them remained loyal to Badr and this is more prominent in the MoI. Badr provided the lion's share of 16,000 Shia fighters who were incorporated in the ISF between 2003 and 2005."²² Al-Ameri, for instance, served as a transportation minister between 2021 and 2014. The organisation has also maintained a strong presence in the interior ministry, and Mohammad al-Ghabban—a senior member of the groups—served as an interior minister only to be succeeded by Qasim al-Araji 2017–2018.²³ In other words, the Badr Organisation has maintained a strong network within the Iraqi state with loyalty to the organisation's leadership instead of to the government, and Badr is only one group of many that followed this strategy.²⁴

Other groups followed the same trajectory in the sense of being completely opposed to the authorities and then joining the political process. Asa'ib Ahl al-Haq, on the other hand, splintered from Muqtada al-Sadr's militia in 2005–2006 and conducted military operations against American forces in Iraq, leading to its designation as a terrorist group by the State Department.²⁵ The defiance of Moqtada Al Sadr to follow Iran's

²² Zana Gulmohamad, "Munathammat Badr, from an Armed Wing to a Ruling Actor," *Small Wars and Insurgencies* (2021): 1–29, <https://doi.org/10.1080/09592318.2021.1875310>.

²³ "Iran's Networks of Influence in the Middle East," International Institute for Strategic Studies, November 2019, <https://www.iiss.org/publications/strategic-dossiers/iran-dossier>.

²⁴ Al-Aloosy, Massaab. "Parasitical Elitism in a Sectarianised Political System with a Rentier Economy: Power and Practice of the Iraqi Political Elite after 2003", *Politics & Policy*, Oct 2023.

²⁵ Michael Knights, "Profile: Asaib Ahl al-Haq," The Washington Institute for Near East Policy, 27 April 2021, <https://www.washingtoninstitute.org/policy-analysis/profile-asaib-ahl-al-haq-0>.

dictates was one reason that Qais al-Khazali created his own militia.²⁶ The group participated in the 2014 elections and won one seat because it lacked popular support, and in 2018, it won 14 seats and formed a coalition with other groups including the Badr Organisation, winning 48 seats in total—a substantial portion of Iraq's 329-member parliament.²⁷ The invocation of the fight against ISIS tremendously helped the coalition gain more seats and allowed it to play a substantial role in the formation of the government.²⁸ The Fatah coalition includes nearly all pro-Iran groups, representing armed groups outside the confines of the state. In the 2021 elections, it won 17 seats and included, for the first time, Kata'ib Hezbollah.²⁹ Despite the electoral setback in comparison to the 2018 elections, the Badr Organisation, Kata'ib Hezbollah, and Asa'ib Ahl al-Haq continue to play an instrumental role in Iraq because of their arms that they use to gain further political capital. Their political positioning allows these three groups to play a role in both formal and informal spaces, as they have been allowed to institutionalise their presence within the state while maintaining their autonomy. For instance, following negotiations over the state budget, "Fatah leaders argued that the PMF should be granted the same pay and pension allocations as the Iraqi armed forces. In this instance, Fatah acted as a political organization that could lobby on behalf of the PMF."³⁰ The political and armed branches of these militias are used to complement each other and pave the way to maintain the status quo.

²⁶ Al-Aloosy, Massaab. "Barriers to Reform in Iraq." Carnegie Endowment for International Peace, Mar 17, 2022, <https://agsi.w.org/iraqs-corruption-and-rule-of-law-deficits-nourish-a-worsening-drug-problem/>

²⁷ Election Guide. "Republic of Iraq: Iraqi Council of Representatives," Election Guide Democracy Assistance and Election News, May 2018, <https://www.electionguide.org/elections/id/3060/>.

²⁸ International Crisis Group.

²⁹ Shawn Yuan, "Iraq Announces Final Results of October Parliament Election," *Al Jazeera*, 30 November 2021, <https://www.aljazeera.com/news/2021/11/30/iraq-announces-final-results-of-the-october-legislative-election>.

³⁰ Renad Mansour, "More Than Militias: Iraq's Popular Mobilization Forces Are Here to Stay," *War on the Rocks*, 3 April 2018, <https://warontherocks.com/2018/04/more-than-militias-iraqs-popular-mobilization-forces-are-here-to-stay/>.

The legitimisation of these groups stems from the weakness of the state and its inability to monopolise violence within Iraq, and the successive governments have strengthened the Badr Organisation, Asa'ib Ahl al-Haq, and Kata'ib Hezbollah to unprecedented limits.³¹ The process of institutionalising and officially recognising the PMF began in 2016 when the Iraqi parliament passed a resolution subjugating the militias to military law, allowing for the myriad groups to be independent, and linking them to the commander-in-chief. Despite the clarity of the law in making the prime minister the ultimate commander of the PMF and integrating the PMF as a whole into Iraq's security forces, the Iraqi state has been clearly unable to control these three factions.³² Their popularity gained by fighting ISIS has been one reason that these three militias gained more political power, but this rise to popularity also proved to be a curse, as we will see later, for the supporters of the PMF. The power of the PMF was not used to improve the situation of their constituency. Instead, its constituent groups steadily accumulated more political and economic power and continuously challenged the authority of the Iraqi state.

The PMF became a force that benefitted from the state's coffers but simultaneously violated Iraq law and constitution. Iraq's parliamentary law states that the hashd "will be cut from all political, party and social frameworks, and political work will be prohibited in its ranks," while the constitution states that security forces "shall not interfere in political affairs, and shall have no role in the transfer of authority."³³ Despite their illegal status, according to the Iraqi constitution, and numerous actions counter to the commands of the Iraqi Prime Ministers, few if any

³¹ Al-Aloosy, Massaab. "By Violent Means: Iraq's PMF Descent From Popularity to Corruption and Repression." The Arab Gulf States Institute in Washington, Nov 15, 2022. <https://agsi.w.org/with-iraqs-quota-system-the-new-government-is-more-of-the-same/>

³² "Iraq's Shi'ite Militias Formally Inducted into Security Forces," *Reuters*, 9 March 2018, <https://www.reuters.com/article/us-mideast-crisis-iraq-militias-idUSKCN1GK354>.

³³ Quoted by Emma Hesslink, "The Hashd Al-Shaabi: From Heroes to... What Exactly?" Middle East Research Institute, 14 April 2019, <http://www.meri-k.org/publication/the-hashd-al-shaabi-from-heroes-to-to-what-exactly/>.

measures have been taken to curb their power.³⁴ The failure continued with succeeding Prime Ministers, as they stood by while the Iraqi constitution was being violated. Article 9, section B clearly states that the formation of military militias outside the framework of the armed forces is prohibited. But Badr Organisation, Asa'ib Ahl al-Haq, and Kata'ib Hezbollah continue to bear arms and have political representation. These groups continue to exploit grey areas in the law "to expand their reach in the security, political and economic spheres; their autonomy impedes efforts—which they claim to support—to build a functioning state."³⁵ The position of being armed while engaging in politics gives these three militias tremendous leverage that not only is used for more extortion but also to advance the interests of their patron. There are numerous incidents and statements in which these factions have acted counter to the dictates of the Iraqi Prime Minister's office and have directly challenged his policies.

Given that the PMF is a force to be reckoned with, successive Iraqi prime ministers have tried different strategies to appease the PMF, so that groups within it would side with the premiership, but this strategy only boosted PMF capabilities without expanding the influence of the office of the prime minister on their conduct. In reality, the political establishment has handed more power to the PMF since 2016. For example, in 2018 then-Prime Minister Haider al-Abadi gave PMF fighters equal salaries to the army as well as access to military institutions and colleges.³⁶ The independence of these militias, given that each is under the control of their immediate militia commanders first and the prime minister second, directly challenges the authority of the government in Baghdad. Some analysts believe that, since 2014, all of Iraq's prime ministers, except for al-Khadimi, had a personal interest

³⁴ Al-Aloosy, Massaab. "Iraq: Dangerous Landscape for Independent Journalism." The Arab Gulf States Institute in Washington, Oct 5, 2022, <https://agsi.w.org/iraq-dangerous-landscape-for-independent-journalism/>

³⁵ International Crisis Group.

³⁶ Hayder al-Khoei, "Al-Hashd al-Sha 'bi: Iraq's Double-Edged Sword," in *Iraq After ISIS: The Challenges of Post-War Recovery*, ed. Jacob Eriksson and Ahmed Khalil (London: Palgrave Macmillan, 2019): 99–110.

in supporting these groups.³⁷ For Nuri al-Maliki, they were a sectarian tool to be used against his rivals and a means of becoming closer to Iran; for Abadi, they were a necessity because they were fighting ISIS; during Abdul Mehdi's tenure, they had tremendous influence on decision-making, especially since they did very well in the 2018 elections, and due to his ideological leanings. In other words, the state has contributed tremendously for the militias power.³⁸ In addition, since the establishment of the PMF in 2014 "all Iraqi prime ministers, Nuri al-Maliki, Haider al-Abadi, Adil Abdul-Mahdi and Mustafa Al-Kadhimi, have attempted to control the PMF, placing them under the command of the Prime Minister's Office. However, these efforts have failed to rein them in because the dominant groups within the PMF, such as the Badr Organisation, Asa'ib Ahl al-Haq and Kata'ib Hezbollah" resisted these attempts.³⁹ The independence of these militias is indicated by statements made by their leaders on several occasions.

PMF leaders have made clear that their autonomy will not be challenged on several occasions. One statement indicative of the governments' inability to control the militias was made by the late Abu Mehdi al-Mohandis, who was the deputy chairman of the PMF before his assassination along with Qasem Soleimani in January 2020. While on a visit in Iran, al-Muhandis said that statements claiming that the government of Iraq could dissolve the PMF are false, and that, while the volunteer fighters are nominally under the command of Prime Minister al-Abadi, they would regroup and resist any attempt at disbanding the PMF.⁴⁰ Another incident involved Adel Abdul-Mahdi, al-Abadi's successor. Abdul-Mahdi issued a decree stipulating the abolition of PMF military ranks and the closure of their offices, as well as the transfer of their weapons to camps outside urban areas, but this decree was met by resistance from the PMF, leading Kata'ib Hezbollah to release a

³⁷ Al-Aloosy, Massaab. "Dictatorship Without a Dictator: Iraq 20 Years After the Invasion" Gulf International Forum, April 2, 2023, <https://gulffif.org/dictatorship-without-a-dictator-iraq-20-years-after-the-invasion/>

³⁸ Author's interview with Munqith Dagher, the MENA director of Gallup International and a non-resident Senior Associate at CSIS, 10 December 2021.

³⁹ Beston Husen Arif, "Pro-Government Militias: A Threat to Human Rights and Stability," *Asian Affairs* 52, no. 2 (2021): 312–326.

⁴⁰ Al-Khoei.

statement suggesting a conspiracy by the US.⁴¹ In addition, hours after the Iraqi government arrested members of Kata'ib Hezbollah in 2020, the group retaliated by raiding a branch of the government's security apparatus, and al-Khazali warned the Iraqi prime minister, Mustafa al-Khadimi at the time, of instigating clashes with the PMF.⁴² Al-Ameri also warned of any attempts by Baghdad to dissolve or merge the PMF with the Iraqi armed forces.⁴³ The general secretary of Kata'ib Hezbollah in Iraq said he will not allow the disarmament of the "resistance."⁴⁴ In other words, the PMF is seeking to portray themselves as protectors of the state from American influence, all while taking advantage of its weakness. The feebleness of the Iraqi Prime Minister has become very clear with its inability to prevent attacks against US troops in Iraq by groups such as Asa'ib Ahl al-Haq and Kata'ib Hezbollah.

While some Iraqi politicians believe that Iraq needs to maintain good relations with the US for military coordination, militias allied with Iran are adamant that all US troops must leave Iraq. Despite calls by the Iraqi government for the cessation of attacks against US forces,

⁴¹ "Iraq's Dilemma: The Uncertain Future of the Popular Mobilization Forces." The Arab Center Washington DC, 8 September 2019. <https://arabcenterdc.org/resource/iraqs-dilemma-the-uncertain-future-of-the-popular-mobilization-forces/>.

⁴² "Al Khazali Warns Al Khadimi after a PMU fighter was arrested," *Arabi*, 21 June 27, 2020. Incomplete citation, needs year.

⁴³ "Al-Ameri Coalition Warns from Attempts at Marginalizing and Demands Assurances from the Winners in the Elections," *Shafaq News*, 01 November, 2021. <https://shafaq.com/ar/0%D8%B3%DB%8C%D8%A7%D8%B3%D8%A9/%D8%AA%D8%AD%D8%A7%D9%84%D9%81-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%B1%D9%8A-%D9%8A%D8%AD%D8%B0%D8%B1-%D9%85%D9%86-%D8%AA%D8%B0%D9%88%D9%8A%D8%A8-%D8%A7%D9%84%D8%AD%D8%B4%D8%AF-%D9%88%D9%8A%D8%B7%D8%A7%D9%84%D8%A8-%D8%A7%D9%84%D9%82%D9%88%D9%89-%D8%A7%D9%84%D9%81%D8%A7-%D8%B2%D8%A9-%D8%A8%D8%AA%D8%B7%D9%85%D9%8A%D9%86%D8%A7%D8%AA>.

⁴⁴ "With the Weapons of Kataib Hezbollah ... Al Humaidawi threatens the Iraqi State," *Al Hurrah*, 3 January 2020. <https://www.alhurra.com/iraq/2021/01/03/%D8%A8%D8%B3%D9%84%D8%A7%D8%AD-%D9%85%D9%8A%D9%84%D9%8A%D8%B4%D9%8A%D8%A7-%D9%83%D8%AA%D8%A7%D8%A6%D8%A8-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%84%D9%84%D9%87-%D8%A7%D9%84%D8%AD%D9%85%D9%8A%D8%AF%D8%A7%D9%88%D9%8A-%D9%8A%D9%87%D8%AF%D8%AF-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D8%A9>.

Iran's proxies have continued to launch assaults against American troops, allowing them to portray themselves as defenders of Iraq's sovereignty. Iran-backed militias have attacked US troops in Ain al-Asad base in al-Anbar province⁴⁵ and the US embassy in Baghdad; they have fired rockets at a base in Iraqi Kurdistan housing American troops⁴⁶ and have augmented their offensive capabilities through the use of drones in their operations.⁴⁷ The frequency of these attacks increased after the assassination of Qasem Soleimani, the head of the Iranian Quds Force, and Abu Mehdi al-Mohendis, the commander of the PMF in 2020. Kata'ib Hezbollah has demanded on numerous occasions that US forces leave Iraq⁴⁸ and threatened to increase its attacks on US troops until it does so.⁴⁹ Similarly, al-Fateh's leader al-Ameri reiterated his commitment⁵⁰ to see the US withdraw its forces, describing the departure of US troops

⁴⁵ Ibrahim Saleh, "Missile Attack Targets Base Housing US Troops in Iraq," Anadolu Agency, 24 May 2021, <https://www.aa.com.tr/en/middle-east/missile-attack-targets-base-housing-us-troops-in-iraq/2252732>.

⁴⁶ "Coalition Says Iraq Base Housing US Troops Hit in Drone Attack," *Al Jazeera*, 24 July 2021, <https://www.aljazeera.com/news/2021/7/24/iraq-base-housing-us-troops-attacked-by-drone-coalition>.

⁴⁷ Hamdi Maliki, Michael Knights, and Crispin Smith, "Qais al-Khazali Doubles Down on His Muqawama Membership," The Washington Institute for Near East Policy, 7 June 2021, <https://www.washingtoninstitute.org/policy-analysis/qais-al-khazali-doubles-down-his-muqawama-membership>.

⁴⁸ "Kataib Hezbollah: The US Forces Must Leave Immediately," Iran Press Agency, 1 July 2021, https://arabic.iranpress.com/world_middle_east-i147181.

⁴⁹ Aryan Shawkat, "A Kataib Hezbollah Official Threatens US Forces," *Kurd 24*, 24 July 2021. <https://www.kurdistan24.net/ar/story/23933-%D8%A7%D9%84%D9%85%D8%B3%D8%A4%D9%88%D9%84-%D8%A7%D9%84%D8%A7%D9%85%D9%86%D9%8A-%D9%84%D9%80%22%D9%83%D8%AA%D8%A7%D8%A6%D8%A8-%D8%AD%D8%B2%D8%A8-%D8%A7%D9%84%D9%84%D9%87%22-%D9%8A%D9%87%D8%AF%D8%AF-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%85%D8%B1%D9%8A%D9%83%D9%8A%D8%A9>.

⁵⁰ "Hadi Al Ameri: We Will Do Our Outmost for the US Forces to Depart," *Al Alam*, 1 August 2021. <https://www.alalam.ir/news/5726978/%D9%87%D8%A7%D8%AF%D9%8A-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%B1%D9%8A-%D8%B3%D9%86%D8%A8%D8%B0%D9%84-%D9%83%D9%84-%D8%AC%D9%87%D9%88%D8%AF%D9%86%D8%A7-%D9%84%D8%AE%D8%B1%D9%88%D8%AC-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A7%D9%85%D8%B1%D9%8A%D9%83%D9%8A%D8%A9-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82>.

as a historic responsibility for Iraqis.⁵¹ Al-Khazali has also expressed his fair share of anti-American sentiments. On one occasion he said that any expression of Iraq's need for US forces is an insult.⁵² He has also criticised statements by Iraq's Foreign Minister regarding the potential for US-backed training programmes for the Iraqi military.⁵³ Yet the boldest attack by Iran-backed groups was directed at the Prime Minister's office.⁵⁴ Mustafa al-Khadimi had many differences with the militias and their leaders and was threatened by Qais al-Khazali, the leader of Asa'ib Ahl al-Haq shortly before the attack.⁵⁵ Such attacks prove that the state does not monopolise the means of violence and that these militias constitute a parallel state, as they have their own decision-making mechanism that is independent of the government but affects the whole state. The Prime Minister is unable to enforce his will on these militias let alone disarm them. Nonetheless, trampling the authority of the Iraqi government by attacking foreign troops is not the only means used by the PMF.

⁵¹ "Al Ameri: We Have a Historic Responsibility to Make the US Leave Iraq," Tasnim News Agency, 2 July 2021, <https://www.tasnimnews.com/ar/news/2021/07/02/2531460/%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%B1%DB%8C-%D9%85%D8%B3%D8%A4%D9%88%D9%84%DB%8C%D8%AA%D9%86%D8%A7-%D8%A7%D9%84%D8%AA%D8%A7%D8%B1%DB%8C%D8%AE%DB%8C%D8%A9-%D8%A5%D8%AE%D8%B1%D8%A7%D8%AC-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A7%D9%85%D8%B1%DB%8C%DA%A9%DB%8C%D8%A9-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82>.

⁵² "Al Khazaali: The Presence of US Forces in Iraq Is Unacceptable," Tasnim News Agency, 7 April 2021, <https://www.tasnimnews.com/ar/news/2021/04/07/2480948/%D8%A7%D9%84%D8%B4%DB%8C%D8%AE-%D8%A7%D9%84%D8%AE%D8%B2%D8%B9%D9%84%DB%8C-%D8%A7%D8%B3%D8%AA%D9%85%D8%B1%D8%A7%D8%B1-%D8%AA%D9%88%D8%A7%D8%AC%D8%AF-%D8%A7%D9%84%D9%82%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%A7%D9%85%D8%B1%DB%8C%DA%A9%DB%8C%D8%A9-%D9%81%DB%8C-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D8%A3%D9%85%D8%B1-%D9%85%D8%B1%D9%81%D9%88%D8%B6>.

⁵³ "Al Khazaali Criticizes the Iraqi Government's Declaration That It Needs US Forces for Advisory and Support," *Al Khaleej Al Jadeed*, 23 July 2021, <https://thenewkhalij.news/article/237687>.

⁵⁴ "Iran-Backed Militia Staged Drone Attack on Iraqi PM—Officials," *Reuters*, 8 November 2021, <https://www.reuters.com/world/middle-east/iran-backed-militia-behind-attack-iraqi-pm-sources-2021-11-08/>.

⁵⁵ Crispin Smith, Michael Knights, and Malik Hamdi, "Muqawama Meltdown, Part 2: Drone Attack on the Prime Minister," *The Washington Institute for Near East Policy*, 7 November 2021, <https://www.washingtoninstitute.org/policy-analysis/muqawama-meltdown-part-2-drone-attack-prime-minister>.

The power of the militias demonstrates to Iraqi society that the government is incapable of governing especially when the government cannot address human rights violations by the militias, affecting the government's legitimacy. Not only have the militias defied repeated requests by the Iraqi government to cease their attacks against US troops, but they also have committed gross human rights violations with impunity. There have been documented human rights violations by the PMF that the government could not prevent, let alone persecute. The violations by militias in Iraq began as Iraq delved into a political vacuum after 2003 but took greater proportions as the fight against ISIS took place in 2014. The PMF repeatedly committed human rights abuses including but not limited to running illegal prisons, abductions, torture, and extrajudicial killings.⁵⁶ For instance, Human Rights Watch documented the sectarian killing of more than 100 men between March and July 2014 and linked these killings to Asa'ib Ahl al-Haq.⁵⁷ Amnesty International also documented in 2014 abductions and killings by Shi'i militias in Kirkuk, Baghdad, and Samarra.⁵⁸ In many instances "PMU militias have extrajudicially executed or otherwise unlawfully killed, tortured and abducted thousands of men and boys. Victims were picked up from their homes, workplaces, camps for internally displaced persons, checkpoints or other public places."⁵⁹ Despite announcements by the Iraqi government of investigations into such incidents, no perpetrators were brought to justice. Such killing and kidnapping have also been part of a wider plan for displacement of people based on sectarian affiliation. For example, residents of Muqdadiyya were forced from their homes, kidnapped, and some summarily executed after al-Ameri, the head of Badr Brigade threatened the residence of the town saying that the "day of judgement is coming" and "We will attack the area until nothing is left.

⁵⁶ Haddad. "Iraq's Popular Mobilization Units."

⁵⁷ Human Rights Watch, "Iraq: Pro-Government Militias' Trail of Death," 31 July 2014, <https://www.hrw.org/news/2014/07/31/iraq-pro-government-militias-trail-death>.

⁵⁸ Amnesty International. "Absolute Impunity: Militia Rule in Iraq," 2014, https://www.amnesty.org.uk/files/absolute_impunity_iraq_report.pdf.

⁵⁹ ReliefWeb, "Turning a Blind Eye: The Arming of the Popular Mobilization Units," 5 January 2017, <https://reliefweb.int/report/iraq/turning-blind-eye-arming-popular-mobilization-units-enar>.

Is my message clear?”⁶⁰ These human rights abuses, perpetrated against the Sunnis, have increased the sectarian wedge in Iraq, and continue to represent a festering wound because many of the displaced Sunnis cannot return to their villages due to the PMF. In other words, the PMF, through its sectarian killings is setting the ground for the rise of other terrorist groups that would take advantage of the Sunni grievances.

The human rights violations by the aforementioned groups have not been limited to wartime, but have been undertaken recently, with the government sitting idly by with familiar inaction. The resentment of Iraqis, among Shi‘as particularly, reached a boiling point in 2019 “in places where such practices of the hashd groups are pervasive and public goods collapsed—most prominently Basra—Shia residents have mobilized to protest the Hashd groups and their sponsor Iran.”⁶¹ The protestors not only targeted government buildings but also offices associated with the Hashd, indicating that it is being held responsible for the abysmal living conditions.⁶² The demonstrations created a predicament that led to the creation of a crisis cell including Iran’s Islamic Revolutionary Guard Corps (IRGC) as well as several Iraqi militias. The result was direct attacks on the demonstrators; according to official numbers, 165 were killed and 6100 injured—though other estimates put the number of demonstrators killed at 400,⁶³ and the shooters were from, among other groups, Asa‘ib Ahl al-Haq and Badr Organisations.⁶⁴ The Iraqi security forces failed to prevent attacks against demonstrators even when there were clear signs that some of the prominent protestors

⁶⁰ Quoted by Human Rights Watch. “Iraq: Militias Escalate Abuses, Possibly War Crimes,” 15 February 2015, <https://www.hrw.org/news/2015/02/15/iraqi-militias-escalate-abuses-possibly-war-crimes>.

⁶¹ Felbab-Brown.

⁶² Nancy E. Ezzeddine, Matthias Sulz, and Erwin van Veen, “The Hashd Is Dead, Long Live the Hashd: Fragmentation and Consolidation,” Clingendael Strategic Monitor Report, July 2019, <https://www.clingendael.org/pub/2019/the-hashd-is-dead-long-live-the-hashd/>.

⁶³ Michael Knights, “Exposing and Sanctioning Human Rights Violations by Iraqi Militias,” The Washington Institute for Near East Policy, 22 October 2019, <https://www.washingtoninstitute.org/policy-analysis/exposing-and-sanctioning-human-rights-violations-iraqi-militias>.

⁶⁴ Arif.

or outspoken critics were at risk of being killed.⁶⁵ Iraqi society becomes at the mercy of lawless militias while the government is inert.

The mass killing of the protesters is indicative of several factors. First, Iraqis in general, and the Shi'as particularly, are frustrated with the status of uncontrollable arms of the militias and the corruption that it leads to. Second, the militias are willing to kill hundreds of unarmed demonstrators in order to preserve the current political conduct and the benefits that they are deriving from it. Finally, the militias are preventing any means of peaceful change and simultaneously refusing any tangible reforms to the political system which essentially means a continued delegitimisation of the government and deterioration of the living standards as corruption is uncontrollable.

Funding from and Despite the State

Economically speaking, these three militias directly challenge the ability of the government to govern because they also break the law and display the weakness of the state through illegal economic activity, in addition to competing with the state for the usage of ports, checkpoints, and cross-roads; they also use their political positions to benefit the militia rather than the state. The integration of the PMU into government positions has meant that the Badr Organisation, Asa'ib Ahl al-Haq, and Kata'ib Hezbollah have access to state funds, as their budget is set on yearly basis. Negotiations are usually undertaken between the PMU officials and the government to set the budget for hashd personnel. In 2017, the PMU received \$1.63 billion from the government,⁶⁶ and in 2019, they were authorised to employ 128,000 personnel with a budget of \$2.17 in comparison with \$9.43 for the Ministry of Interior that has 583,666 employees and \$7.58 billion for the Defence Ministry with the strength

⁶⁵ "Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020," United Nations Assistance Mission for Iraq, August 2020, <https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdf>.

⁶⁶ Mansour, "More Than Militias."

of 288,979.⁶⁷ The drastic increase in the budget is related to the success of the Fatah coalition in the 2018 elections, and the budget also includes “funding for weapons, ammunition and other logistical support (around \$80 million), as well as for the families of PMF martyrs (around \$84 billion), and for PMF reconstruction projects in recently liberated areas (\$840,000).”⁶⁸ The complete accuracy of these numbers is unclear, as there have been allegations of the existence of “ghost fighters,” and there have also been complaints by PMU factions that most of the funds are allocated to pro-Iran militias. In addition, state-funding is linked to the number of fighters, which is exaggerated.

The number of fighters is much lower now in comparison with the period when the PMF fought ISIS. While some put it at 140,000 fighters⁶⁹ others believe that the number ranged between 45,000 and 142,000 fighters in 2017.⁷⁰ Although 122,000 fighters receive official government salaries, it is possible that 30,000 fighters operate in unregistered groups.⁷¹ It remains a fact that the PMF leaders have refused to provide the state with a list of fighters for the latter to monitor the number of registered voters, a clear indication that the numbers provided are inaccurate, serving as a getaway for corruption.⁷² Indeed, while the official registrar of the PMU puts the number of its fighters at 152,000, some analysts believe that as many as 70,000 could be ghost fighters, and 30,000 could operate in unregistered paramilitary groups.⁷³ The government also provides indirect funding for the PMU through other means. The PMU has won many contracts from the government in different Iraqi provinces. For instance, in late 2017, when the national waste management stopped collecting garbage in Basra, the PMU took

⁶⁷ Michael Knights, “How the U.S. Government Should Think About Iraq’s Popular Mobilization Forces,” *The Washington Institute for Near East Policy*, 9 May 2019, <https://www.washingtoninstitute.org/policy-analysis/how-us-government-should-think-about-iraqs-popular-mobilization-forces>.

⁶⁸ Mansour, “Networks of Power.”

⁶⁹ Haddad, “Understanding Iraq’s Hashd al-Sha’bi,” 3.

⁷⁰ International Crisis Group.

⁷¹ Felbab-Brown.

⁷² Authors interview with Yehia al-Kubaisi, a researcher at the Iraqi Center for Strategic Studies, 4 January 2022.

⁷³ Felbab-Brown.

over this responsibility, as their supporters began to clean the street.⁷⁴ In Najaf, the Hashd renovated Makiya Street, leaving a mark on the Shi'i holy city and receiving praise from the mayor of Najaf.⁷⁵ Other sources of income include illicit activities to which the government turns a blind eye.

The PMU has benefitted tremendously from the checkpoints that it has implemented on various roads connecting Iraqi provinces. The income stemming from checkpoints vary greatly depending on their location, but the amount generated could reach \$100,000 a day from a single checkpoint.⁷⁶ Illegal taxation, especially from areas retaken from ISIS, have generated nearly \$300,000 from one town alone.⁷⁷ Groups such as "Badr or AAH have variously worked with the Iraqi army's operations command and the province's governor, Muthana al-Tamimi, to collect anywhere between \$100 to \$500 per truck. This trade has at times brought in up to \$20,000 per day."⁷⁸ In order to maximise revenue, in one of its checkpoints in Salahaddin province, the PMF developed a queue-jumping system that allows cars to skip the line of trucks by paying an additional \$20. Some reports indicate that the trip between Baghdad and northern Iraq used to take five hours but now, because of the large number of checkpoints, has increased to seven days; it is also estimated that the trucks are sometimes backed up for tens of kilometres.⁷⁹ Although the Iraqi security forces are supposed

⁷⁴ International Crisis Group.

⁷⁵ "Al Hashd Al Shaabi Paves the Way for Visitors for Imam Ali Tomb," *Hatha AlYaoum*, 27 March 2018.

⁷⁶ Hassan Hassan, "How Iraq's Top ISIS Scholar Became a Target for Shiite Militias," *New Lines Magazine*, 4 October 2020, <https://newlinesmag.com/essays/the-man-who-knew-too-much-why-shiite-militias-killed-iraqs-finest-isis-scholar/>.

⁷⁷ Omar al-Nidawi, "The Growing Economic and Political Role of Iraq's PMF," Middle East Institute, 21 May 2019, <https://www.mei.edu/publications/growing-economic-and-political-role-iraqs-pmf>.

⁷⁸ Zmkan Ali Saleem, Mac Skelton, and Christine M. van den Toorn, "Security and Governance in the Disputed Territories under a Fractured GoI: The Case of Northern Diyala," LSE Middle East Centre Blog, 14 November 2018, <https://blogs.lse.ac.uk/mec/2018/11/14/security-and-governance-in-the-disputed-territories-under-a-fractured-goi-the-case-of-northern-diyala/>.

⁷⁹ Mark DeWeaver, "Decentralized Rent Seeking in Iraq Post-ISIS Economy: A Warning from the Concrete Block Industry," Institute of Regional and International Studies, 23 August 2017, https://auis.edu.krd/iris/sites/default/files/IRIS%20Iraq%20Report_Decimalized%20Rent-Seeking%20post-ISIS%20Iraq_DeWeaver.pdf.

to arrest the perpetrators, reports indicate that militias and the security forces coordinate to pursue profit.⁸⁰ Asa'ib Ahl al-Haq in particular has benefitted from strategically located checkpoints. It "impose taxes on vehicles passing through, earning an estimated amount of \$300,000 daily through checkpoint fees across Jalawla, according to a government official. This has helped the AAH to widen its networks of patronage in the area."⁸¹ There are also reports that AAH has collected \$30,000 daily from checkpoints located between north Baghdad and Salahaddin since 2016.⁸² Similarly, the Badr organisation controls one of the two checkpoints entering Mosul has have made significant profit from it.⁸³ But these groups' economic activities also benefit from their control of border crossings.

Part of the militias' financial strategy is taking control of legal and illegal crossings in Iraq and running smuggling networks. According to Iraq's finance minister, the Iraqi government should be making \$9 billion on a yearly basis but only \$1 billion finds its way to the state's coffers because of a network of militias, businessmen, and political parties.⁸⁴ Moreover, a political coalition revealed that several illegal naval and land crossings are controlled by armed groups and that these groups are violating the Iraqi law by undermining the national production.⁸⁵ It is well documented that the Badr Organisation is in full control of two border crossings with Iran.⁸⁶ It also enjoys hegemonic control of the entire provincial administration to the extent that other political actors cannot enter the political arena in Diyala without making

⁸⁰ Mansour, "Networks of Power."

⁸¹ Ali Saleem et al.

⁸² Hassan.

⁸³ Isadora Gotts, "PMU Economic Offices Undermine Fragile Stability in Mosul," *Al Monitor*, 27 May 2019, <https://www.al-monitor.com/originals/2019/05/iraq-economy-mosul-pmu.html>.

⁸⁴ Mansour, "Networks of Power."

⁸⁵ "Sairon Block: There are Illegal Border Crossings and Most of Its Employees do not have Permissions for Work," *Al Sumaria*, 28 March 2018, <https://www.alsumaria.tv/news/264856/AlSumaria-news/ar>.

⁸⁶ Zmkan Ali Saleem and Mac Skelton, "Searching for Ghosts: Fighting Corruption at Iraq's Border Crossings," *LSE Middle East Centre Blog*, 24 February 2021, <https://blogs.lse.ac.uk/mec/2021/02/24/searching-for-ghosts-fighting-corruption-at-iraqs-border-crossings/>.

a deal with Badr.⁸⁷ In addition, Badr organisation, along with “Asaib Ahl Al-Haq saw their fortunes rise considerably in Basra, laying claim to ports, border crossings, and the oil sector. Badr and AAH ultimately used their access to resources in the province to buy off the loyalties of powerful officials.”⁸⁸ The Iraqi security forces, in some instances, have been helpless in stopping the smuggling, as a member “of an official Iraqi security body confirmed that state institutions could not effectively monitor areas controlled by IRGC-backed militias near the Qa’im border zone.”⁸⁹ Clearly, these funds are funnelled to the militias to increase their power. Other illegal activity is also on the agenda for these militias.

PMF militias have been involved in other forms of illicit activities. For instance, they took control of 72 oil fields in southern Mosul and pilfered daily 100 tanker trucks of crude oil; in addition, they took “protection money of \$1000 to \$3000 monthly on larger restaurants. Owners who fail to pay could have their restaurants blown up, and the explosion would be falsely attributed to ISIS.”⁹⁰ The PMF has also engaged in oil smuggling and looting. It is estimated that 10% of Basra’s oil is intercepted and smuggled,⁹¹ while Baiji’s oil refinery was looted, in addition to “the fertilizer plant, the power plant, the railroad station, water purification stations, and most of the private and public property in Baiji.”⁹² The group that is accused of most of the looting is Kata’ib Hezbollah, but Asa’ib Ahl al-Haq has also played a significant role after exerting control in 2017.⁹³ These groups also caused the paralysis of the Tuz

⁸⁷ Mac Skelton and Zmkan Ali Saleem “Iraq’s Political Marketplace at the Subnational Level: The Struggle for Power in Three Provinces,” LSE Conflict Research Programme, 2020, http://eprints.lse.ac.uk/105184/3/Iraq_s_Political_Marketplace.pdf.

⁸⁸ Ibid.

⁸⁹ Kheder Khaddour and Harith Hasan, “The Transformation of the Iraqi-Syrian Border,” Carnegie Middle East Center, 31 March 2020, <https://carnegie-mec.org/2020/03/31/transformation-of-iraqi-syrian-border-from-national-to-regional-frontier-pub-81396>.

⁹⁰ Hassan.

⁹¹ Jake Hussona, “Iraq and Syria: Do Profits Perpetuate Violence?” Global Risk Insight, 19 April 2021, <https://globalriskinsights.com/2021/04/iraq-and-syria-do-profits-perpetuate-violence/>.

⁹² András Derzsi-Horváth, Mario Domisse and Hana Nasser, “Iraq after ISIL: Baiji.” Global Public Policy Institute, 13 September 2017, <https://www.gppi.net/2017/09/13/iraq-after-isil-baiji>.

⁹³ Gotts.

Khurmatu concrete industry. The main “problem there was the decentralization of rent-seeking activities, which led to the cannibalisation of the industry.”⁹⁴ In summary, it is impossible to verify how much these militias earn from illegal activity because sometimes they accrue funds through “legal” means after extortion, but it is estimated that they make at least hundreds of millions of dollars a year.⁹⁵

Conclusion

The Badr Organisation, Asa‘ib Ahl al-Haq, and Kata‘ib Hezbollah are proven one of the most formidable obstacles, if not the most formidable obstacle, for the Iraqi state to overcome. Their tentacles reach the economy and political system of Iraq with few signs of its role shrinking. In today’s Iraq, no force can compel these militias to disarm. The current Prime Minister, or any Iraqi Prime Minister in the near future, cannot address the existence of these militias because they are considered as giants.⁹⁶ Moreover, these groups are part of a larger problem: the dysfunction of governance.⁹⁷ The purpose of the Iraqi government has become narrowed to serving the interests of the elite, instead of benefiting the society. As such, a gap has been created between the government and the people that is widening as time passes, with grave implications such as the reliance on other sources of security such as militias.⁹⁸ The high unemployment rate that allows the militias to robustly recruit, the social divides that allow them to mobilise, or even the weakness of the state that allows them to thrive are all structural impediments to address the existence of these militias. As such, it is not a battle between the state and unruly militias as some try to portray it, but rather,

⁹⁴ Haddad, “Iraq’s Popular Mobilization Units.”

⁹⁵ Author’s interview with al-Kubaisi.

⁹⁶ Author’s interview with Dagher.

⁹⁷ Al-Aloosy, Massaab. “Perilous Growth: Bulging Population Endangers Iraq’s Future.” The Arab Gulf States Institute in Washington, Feb 3, 2022, <https://agsiw.org/perilous-growth-bulging-population-endangers-iraqs-future/>

⁹⁸ Al-Aloosy, Massaab. “Iraq’s Water Crisis: An Existential But Unheeded Threat.” The Arab Gulf States Institute in Washington, Aug 27, 2021, <https://agsiw.org/iraqs%2Dwater%2Dcrisis%2Dan%2Dexistential%2Dbut%2Dunheeded%2Dthreat/>

there is a wider network of businessmen, politicians, families of the fighters, and of course regional actors such as Iran that have an ingrained interest in the status quo. In addition, the conduct of these militias has a great impact on social perceptions and mores.

The failure to address the threat of the militias, their armament, and illicit economic activity is transforming the perception of Iraqi society. The average Iraqi citizen will not deem it necessary to abide by the law, sacrifice for the country, or believe in a unified Iraqi society. If the government cannot punish those who trespass the law in broad daylight, then most certainly citizens will believe in the fragility of the government, the strength of the militias, and the absurdity in following the law that applies only to the weak. The status quo has also created a sense of working for the narrow interest of the individual or sub-groups instead of the society as a whole. If the militias are succeeding in having it their way and the government cannot react to that, there is no use for the Iraqi individual to sacrifice for such a dilapidated state. Finally, the increasing marginalisation of the Sunnis, because of both the conduct of the state and members of the sect, is widening as the militias target Sunnis with impunity. The Sunni Iraqi today does not believe in equality because of double standards that apply to each sect, in turn leading the community to seek security supplied by armed groups.

Looking forward, the future of these groups resembles that of other regional institutions. Since the Fatah Alliance won many seats in 2018, its legitimacy has begun to wane because it became part of the political system and repressed meaningful, bottom-up changes. As such, two simultaneous dynamics are at play: the militias have military strength but lack political legitimacy, which means they will increasingly resort to violent means to maintain their power. And the wider the divide between the society and the PMF, the more vicious they will become. In other words, the PMF will increasingly resemble Iran's Revolutionary Guards. Moreover, Iraq's revenue is steadily shrinking as the population is increasing while the global economy is becoming increasingly less dependent on oil—this fact is beside other complications that will face Iraq such as water supply. This means that the current status quo is untenable, the vast majority of Iraqis will not be appeased, and discontent will fester not only against the PMF but the political system in general.

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Rebel Governance Between Ideology and Pragmatism: Al-Qa'ida in Yemen in 2011–2012 and in 2015–2016

Marta Furlan

Introduction

The scholarly literature on rebel governance has mostly focussed on whether rebels rule civilians, while less attention has been devoted to the great diversity that exists in the strategies that rebels implement to rule.¹ More recently, however, growing attention has been devoted by scholars to the factors that influence governance strategies and that determine variation thereof. Among those factors, ideology is the object of considerable debate. As the first part of the chapter will discuss in greater detail, some scholars believe that a group's ideology influences its approach

¹ Ana Arjona, *Rebelocracy: Social Order in the Colombian Civil War* (New York: Cambridge University Press, 2016), 23.

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to governance, while others argue that rebels most often govern differently than their ideology would suggest. Inserting itself in the framework of this scholarly debate, the present chapter aims to explore the relationship between ideology and governance in the case of AQAP. In doing so, it will focus on four dimensions of governance that will be discussed in more depth in the second part of the chapter: the group's understanding of the legitimate subjects of its desired polity; the group's approach to civilian participation in power; the group's relationship with other actors, such as local tribal leaders; and the group's attitude towards pre-existing institutions of governance (state and non-state alike).² To explain the relationship between governance and ideology in the case of AQAP, the third part of the chapter will discuss the group's Salafi-Jihadist ideology and will present a series of hypotheses on the characteristics that rebel governance seems most likely to display if influenced by the Salafi-Jihadist doctrine. From there, the fourth part of the chapter will study AQAP in 2011–2012, when the group first conquered parts of southern Yemen and engaged in governance, and 2015–2016, when the group re-conquered territories of southern Yemen and re-emerged as a provider of governance after it had been ousted by the United Arab Emirates' armed forces local tribes. Most importantly, this fourth part will go beyond a merely descriptive exercise and will attempt to assess whether AQAP governed coherently with the expectations suggested by its ideology. Following the case study, a series of conclusive observations will be made.

Insurgent Ideology and Insurgent Governance: A Debated Relationship

In recent years, the literature on rebel governance has devoted growing attention to identifying the factors that explain variation in governance across different rebel groups. Those factors have included (but have not

² Marta Furlan, "Understanding Governance by Insurgent Non-State Actors: A Multi-Dimensional Typology," *Civil Wars* 22, no. 4 (2020): 478–511.

been limited to) initial endowments,³ driving ideology,⁴ and ultimate goals.⁵ Among these, ideology has become the object of considerable scholarly debate.

In the framework of this debate, Arjona has argued that “ideology does affect in many ways *how* social orders are built as well as some of their attributes.”⁶ Specifically, she believes that ideology influences the kind of services that a group provides.⁷ A similar argument is defended by Revkin, who believes that a rebel group can engage in taxation because it wants to impose a specific ideology.⁸ Furthermore, Arjona believes that ideology may also influence a group’s decision to cooperate with some actors and a group’s understanding of who can be included in the rebel proto-state.⁹ Like Arjona, Suykens also believes that ideology plays an important role in explaining a rebel group’s understanding of its subjects: he finds that groups with an ideology that addresses a broad category of people will extend governance to everyone, while groups with an ideology that addresses a well-defined category of people will restrict governance to that specific group.¹⁰ Gilbert also points to ideology as one of the factors that explains the inclusion or exclusion of women from governance: when groups hold conservative ideologies, women are commonly excluded; when groups hold modern ideologies that promote gender equality, women face greater chances of being included.¹¹

³ Jeremy Weinstein, *Inside Rebellion* (New York: Cambridge University Press, 2007), 171–173.

⁴ Bert Suykens, “Comparing Rebel Rule Through Revolution and Naturalization: Ideologies of Governance in Naxalite and Naga India,” in *Rebel Governance in Civil War*, eds. Ana Arjona, Nelson Kasfir, and Zachariah Mampilly (New York: Cambridge University Press, 2015), 141–145.

⁵ Megan Stewart, “Civil War as State-Making: Strategic Governance in Civil War,” *International Organization* 72, no. 1 (2018): 1–22.

⁶ Arjona, 80.

⁷ *Ibid.*, 62, 80.

⁸ Mara Revkin, “What Explains Taxation by Resource-Rich Rebels? Evidence from the Islamic State in Syria,” *Journal of Politics* 82, no. 2 (2020): 757–764.

⁹ Arjona, 80, 166, 301–302.

¹⁰ Suykens, 141–145.

¹¹ Victoria Gilbert, “Sister Citizens: Women in Syria Rebel Governance”, *Politics and Gender* 17, no. 4 (2020): 552–579.

Conversely, Stewart believes that pragmatism plays a more relevant role and refers to a group's ultimate goals to explain how the latter identifies the legitimate subjects of its proto-state: secessionist groups are more likely to provide services inclusively because they need international recognition, while groups seeking to capture power at the center are more likely to provide services exclusively to active supporters.¹² Similarly, Weinstein favours pragmatism over ideology as an explanatory factor and refers to endowments to explain a group's approach to civilian participation: groups with economic endowments (i.e. groups that rely on external patronage, exploitation of natural resources, taxation, or criminal activities; attract opportunistic cadres; and do not depend on the civilian population to survive) tend to lack incentives to share power with civilians, while groups with social endowments (i.e. groups that rely on shared beliefs, expectations, and norms existing within a certain ethnic, religious, cultural, or ideological group; attract motivated cadres; and depend on civilians for survival) have no choice but to do so.¹³ Pragmatic considerations are also invoked by scholars such as Mampilly, Förster, and Barter. In fact, they have noted that rebel rulers might cooperate with other social and political actors to obtain greater (local and/or international) legitimacy and achieve greater governance capacity. Similarly, they might maintain some of the structures and practices associated with pre-existing providers of governance to benefit from the latter's expertise, infrastructures, and legitimacy.¹⁴

Significantly, in recent years, the debate over ideological purity versus pragmatism in matters of governance has concentrated on Salafi-Jihadist groups, which following the Arab Spring of 2011 have engaged in unprecedented attempts at rebel governance.¹⁵ In this regard, Lia argues that jihadist groups, once in power, persist in highly ideological

¹² Stewart.

¹³ Ibid.

¹⁴ Till Förster, "Dialogue Direct: Rebel Governance and Civil Order in Northern Cote d'Ivoire," in *Rebel Governance in Civil War*, eds. Ana Arjona, Nelson Kasfir, and Zachariah Mampilly (New York: Cambridge University Press, 2015), 204; Shane Joshua Barter, "The Rebel State in Society: Governance and Accommodation in Aceh, Indonesia," in *Rebel Governance in Civil War*, *Civil Wars* 19, no. 3 (2017): 257–278.

¹⁵ Brynjar Lia, "Understanding Jihadi Proto-States," *Perspectives on Terrorism* 9, no. 4 (2015): 31–41.

approaches to governance despite the risks associated with them in terms of exposure to external interventions and/or domestic insurgencies. This preference for ideology over pragmatism is driven by rivalry with other Islamist rebels and by dependency on external constituencies for fighters and support.¹⁶ Similarly, Thurston has noted that Salafi-Jihadist rebel rulers are caught between two opposed options: implement an uncompromising version of their agenda, even though this invites Western military intervention, or pursue a more pragmatic course of action, even though this cannot satisfy radicals and risks “diluting” jihadism.¹⁷ Most recently, Skretting has suggested that jihadist groups may be pushed towards lesser or greater pragmatism by political circumstances as well as leadership preferences. Contrary to the assumptions that see jihadists as necessarily highly ideological rulers, he finds that they might rather attempt to strike a balance between pragmatist and ideologically purist approaches.¹⁸

Research Objective and Methodology

This chapter aims to explore the relationship between ideology and governance in the case of AQAP in two moments: between 2011 and 2012, when the group first conquered parts of southern Yemen in the context of the country’s Arab Spring and set to rule those territories, and between 2015 and 2016, when the group re-conquered parts of southern Yemen in the context of the civil war that followed the Houthis’ uprising and re-engaged in some practices of governance.

In order to study the relationship between ideology and governance, this chapter will draw from the existing scholarship on rebel rule and will focus on four relevant dimensions of governance: *inclusivity*, which indicates whether the group considers as legitimate and equal subjects of

¹⁶ Ibid.

¹⁷ Alexander Thurston, *Jihadists of North Africa and the Sahel: Local Politics and Rebel Groups* (Cambridge: Cambridge University Press, 2020), 92.

¹⁸ Vidar B. Skretting, “Pragmatism and Purism in Jihadist Governance: The Islamic Emirate of Azawad Revisited,” *Studies in Conflict and Terrorism*, 2 January 2022, <https://www.tandfonline.com/doi/full/10.1080/1057610X.2021.2007562>.

its desired proto-state the entire population or only a (religious, social, tribal) sub-group thereof; *civilians*, which indicates whether the group allows civilians to participate in decision-making and policy-making or rather governs unilaterally; *other actors*, which indicates whether the group includes other actors (e.g. tribal chiefs, religious figures, civil society leaders) in its governance system or instead governs alone; and *institutions and personnel*, which indicates whether the group adopts an innovative or conservative attitude towards those institutions that were in place prior to its arrival. Importantly, each dimension should be thought of as a continuum along which intermediate possibilities do exist.¹⁹

The reasons to study AQAP as a case are multiple. Firstly, AQAP claims to be committed to ideological purity, as all other Salafi-Jihadist groups do.²⁰ In light of this claim, it is interesting to explore whether the group truly behaved according to its ideology even when embarking on the complex task of governing territories, when many factors other than ideology emerge that may influence a rebel group's calculations and preferences. Secondly, the fact that AQAP engaged in governance in two different moments contributes to illuminating whether, and to what extent, the relationship between ideology and governance changes over time. Thirdly, while instructive studies on AQAP's governance do exist, they have not investigated the relationship between ideology and governance in a systematic way and across multiple dimensions of governance.²¹

To conduct the case study, the chapter will rely mostly on the group's primary sources, including speeches, videos, audio messages, and pamphlets that were released by AQAP in either Arabic or English and that are openly accessible online. At the same time, it will refer to

¹⁹ Furlan.

²⁰ Revkin; Shiraz Maher, *Salafi-Jihadism: The History of an Idea* (New York: Oxford University Press, 2016), 145.

²¹ See for instance: Joana Cook, "‘Their Fate Is Tied to Ours’: Assessing AQAP Governance and Implications for Security in Yemen," International Centre for the Study of Radicalisation, October 2019; Joana Cook, Haid Haid, and Inga Trauthig, "Jurisprudence Beyond the State: An Analysis of Jihadist ‘Justice’ in Yemen, Syria and Libya," *Studies in Conflict and Terrorism* (2020), <https://doi.org/10.1080/1057610X.2020.1776958>; Isaak Svensson and David Finnbo-gason, "Confronting the Caliphate? Explaining Civil Resistance in Jihadi Proto-states," *European Journal of International Relations* 27, no. 2 (2020): 572–595.

secondary sources such as journalistic reports and interviews with civilians in order to offer a more accurate picture than might emerge from an exclusive reliance on AQAP's own materials.

The Salafi-Jihadist Ideology of Al-Qai'da in the Arabian Peninsula

Salafism is an ideological movement within Sunni Islamic fundamentalism that promotes a return to the model of public and private life established by the Prophet Muhammad and the first three generations of Muslims.²² Furthermore, Salafism encourages a strict and literal adherence to the Quran, the Sunna (the practice of Muhammad), and the *hadiths* (the collected sayings and actions of Muhammad) as exclusive sources of authority. It rejects man-made laws and opposes any innovation of the prophetic model. It emphasises the belonging of all Muslims to the *umma* (the world Islamic community) and the importance of reuniting the latter within a single caliphate comprising several emirates.²³ Salafi-Jihadism is a specific school of thought within Salafism.

Referring to the core tenets of Salafi-Jihadism, it is possible to derive a series of hypotheses on the features that rebel governance is most likely to display if it is influenced by ideology. As this chapter will focus on how AQAP understood civilians, how it approached civilian participation in power, what relationship (if any) it built with other actors, and which attitude it adopted towards pre-existing institutions, the hypotheses will refer exclusively to these four dimensions of governance.

One of the core notions around which the Salafi-Jihadist school of thought rests is that of *tawhid al-hakimiyya*, which is the belief in the

²² Naem Shama, "Al-Jama'a al-Islamiya and the al-Jihad Group in Egypt," in *The Oxford Handbook of Islam and Politics*, eds. John L. Esposito and Emad El-Din Shahin (New York: Oxford University Press, 2013), 607.

²³ Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge: Harvard University Press, 2002), 259; Olivier Roy, *Globalised Islam* (London: Hurst & Co. Ltd., 2004), 243–245; Bernard Haykel, "On the Nature of Salafi Thought and Action," in *Global Salafism: Islam's New Religious Movement*, ed. Roel Meijer (New York: Oxford University Press, 2013), 39–40; Quintan Wicktorowicz, "Anatomy of the Salafi Movement," *Studies in Conflict and Terrorism*, 29, no. 3 (2006): 207–239.

oneness of God's judgement and legislation, and the belief in the obligation to rule and abide exclusively by what Allah has revealed, without associating any other form of legislation with shari'a.²⁴ In other words, legislation belongs only to Allah, and establishing a system of governance that deviates from what Allah has revealed amounts to a sin.²⁵ Driven by this notion, the great majority of Salafi-Jihadists regard civilian participation as an infringement on Allah's sovereignty. To be certain, there are few Salafi-Jihadist authors, such as Abu Basir al-Tartusi, who have advocated the creation of an Islamic state in which citizens can participate in elections, vote for their leaders, and evaluate their leaders' performance. However, most of the Salafi-Jihadist community (and definitely the al-Qa'ida-linked Salafi-Jihadist community) has condemned those authors as sinful proponents of Western democracy.²⁶ Elections, in particular, are seen as a heretic process, as a sinful act of innovation that de facto transfers sovereignty from Allah to the people. Attempts to link the Islamic notion of *shura* (consultation) to democracy are ascribed to ignorance and misunderstanding.²⁷ As a consequence, it is hypothesised that a Salafi-Jihadist group that takes power and aspires to implement the notion of *tawhid al-hakimiyya* will not defend the right of civilians to participate in the ruling effort but rather will treat civilians as passive subjects.

The notion of *tawhid al-hakimiyya* can inform hypotheses also with respect to the preferred approach to pre-existing institutions. Following *tawhid al-hakimiyya*, Salafi-Jihadists aspire to enforce God's law on earth and recreate what they regard as the sublime model of public and private life developed by the Prophet and his immediate successors. Conversely,

²⁴ Hassan Hassan, "The Sectarianism of the Islamic State: Ideological Roots and Political Context," Carnegie Endowment for International Peace, 13 June 2016, <https://carnegieendowment.org/2016/06/13/sectarianism-of-islamic-state-ideological-roots-and-political-context-pub-63746>.

²⁵ Maher, 205.

²⁶ Ibid., 199–200.

²⁷ Uriya Shavit, "Is Shura a Muslim Form of Democracy? Roots and Systemization of a Polemic," *Middle Eastern Studies*, 46, no. 3 (2010): 349–374; Aymenn Jawad al-Tamimi, "A Hay'at Tahrir al-Sham Perspective on Democracy," *Aymennjawad*, 9 February 2019, <http://www.aymennjawad.org/2019/02/a-hayat-tahrir-al-sham-perspective-on-democracy>.

they condemn any deviation from that ideal model as a heretical innovation. Therefore, the hypothesis is that a Salafi-Jihadist insurgent group fighting to overthrow the existing apostate regime and build in its stead a socio-political system that applies exclusively Allah's law will refrain from maintenance when engaging in governance. In fact, maintaining the structures and practices of rule that used to be in place under the previous regime would imply acceptance of a system implemented by apostate leaders who did not rule according to Allah's law, which in turn would amount to a betrayal of *tawhid al-hakimiyya*. In other words, it is hypothesised that Salafi-Jihadist rebel rulers will annihilate everything that existed prior to their arrival to power and will introduce a new socio-political system inspired exclusively by their literal and de-contextualised interpretation of shari'a.

Specifically, bearing in mind those activities of governance that scholars have identified as the ones most commonly observed among insurgents,²⁸ the following sub-hypotheses are advanced: any man-made legal system will be abolished and replaced with one in which shari'a is the sole source of legislation²⁹; taxes imposed by the previous ruler will be replaced with taxes whose legitimacy is found in the Quran and the Sunna, such as *zakat* (a tax amounting to 2.5% on an individual's income and belongings which is mentioned in the Quran as one of the five pillars of Islam), *jizya* (a tax mentioned in the Quran and the *hadiths* that non-Muslim *dhimmi* (Christian or Jewish) citizens must pay to live in the caliphate and be exempted from participation in wars), and *khums* (a tax mentioned in the Quran that soldiers must pay on spoils of war and that amounts to 20%)³⁰; any secular educational institution

²⁸ Furlan; Adrian Florea, "Rebel Governance in de facto States," *European Journal of International Relations* 26, no. 4 (2020): 1004–1021.

²⁹ Abu Muhammad al-Julani, "Oh People of al-Sham," December 2012, <https://azelin.files.wordpress.com/2012/12/abc5ab-mue1b8a5ammad-al-jawlc481nc4ab-al-golani-22oh-people-of-ash-shc481m-we-sacrifice-our-souls-for-you22-en.pdf>; Abd al-Aziz al-Muqrin, *A Practical Course for Guerrilla War*, translated in: *Al-Qaida's Doctrine for Insurgency*, ed. Norman Cigar (Washington DC: Potomac Books, Inc., 2009), 98–99, 105; Abu Bakr Naji, *The Management of Savagery*, (Harvard: John M. Olin Institute for Strategic Studies at Harvard University, 2006), 27–28; K.M. Ishaque, "Al-Ahkam al-Sultaniyah: Laws of Government in Islam," *Islamic Studies* 4, no. 3 (1965): 275–314.

³⁰ *Zakat* is mentioned 30 times in the Quran, mostly in Medinan verses. Also, each of the most trusted *hadith* collections in Islam has a book dedicated to *zakat*: Sahih Bukhari's Book

will be abolished, and a revised curriculum will be introduced, in which most of the focus will be on Islamic subjects as interpreted by Salafi-Jihadists³¹; public behaviour (e.g. dress code, gender relations, and prayer requirements) will be regulated according to the prophetic model and the indications found in the Quran, the Sunna, and the *hadiths*—which Salafi-Jihadists refer to in a literal and de-contextualised way.³²

Besides *tawhid al-hakimiyya*, another fundamental concept on which Salafi-Jihadism rests is *al-wala wa-l-bara* (literally, “loyalty and disavowal”). This is understood by Salafi-Jihadists as a principle that encourages Muslims to build associations exclusively with other members of the *umma*, to disassociate from non-Sunnis and non-Muslims, and to pursue active resistance against Muslim rulers who deviate from their understanding of Islam.³³ In other words, according to Salafi-Jihadists the category of people to whom *wala* can be extended is a narrow one, while *bara* extends to a broad group of people. Proceeding from this understanding, the hypothesis is that ruling Salafi-Jihadist insurgents will exclude from their governance system all those who do not share the doctrine of Salafi-Jihadism and who, as such, are regarded as deserving *bara*. In other words, it is hypothesised here that Salafi-Jihadist groups will be more willing to engage in governance in isolation, rather than in cooperation with other (individual or group) actors. The only exception to this tendency to govern in isolation might be represented by connections to like-minded Salafi-Jihadist groups.

Additionally, the notion of *al-wala wa-l-bara* as understood by Salafi-Jihadism leads to another hypothesis with respect to the understanding of civilians. More specifically, the hypothesis is that Salafi-Jihadist insurgents will make their conception of Islam the exclusive criterion according to which to decide whom to include in (and whom to exclude

24, Sahih Muslim's Book 5, and Sunan Abu-Da'ud's Book 9. *Jizya* is mentioned in Quran 9:29. *Khums* is mentioned in Quran 8:41.

³¹ Nasir al-Wuhayshi, “Letters to Droukdel,” <https://www.longwarjournal.org/images/al-qaida-papers-how-to-run-a-state.pdf>; Ayman. al-Zawahiri, *Knights Under the Prophet's Banner* (London: Al-Sharq al-Awsat, 2001).

³² Michael Cook, *Forbidding Wrong in Islam* (New York: Cambridge University Press, 2003), 121; al-Wuhayshi; al-Julani.

³³ Maher, 138–40.

from) their desired polity. In other words, they will adopt a discriminatory approach that considers Sunni Muslims the only legitimate civilians of their desired emirate/caliphate, while excluding all non-Muslims and non-Sunnis.³⁴ Furthermore, it can be expected that, given the Salafi-Jihadist literal and de-contextualised reference to the Quran, the Sunna, and the *hadiths*, Salafi-Jihadist rulers will discriminate among civilians not only on the basis of religion but also on the basis of gender, according to practices (actual or interpreted) that were prevalent at the time of the Prophet in seventh-century Arabia.

Al-Qaʿida in the Arabian Peninsula as Governor in 2011–2012 and 2015–2016: The Relationship Between Ideology and Governance

AQAP was founded in Yemen in 2009 through a merger between the Yemeni and the Saudi branches of al-Qaʿida. When in 2011 the Arab Spring spread to Sanaʿa, AQAP rapidly took advantage of the widespread instability, the worsening power vacuum, and the popular dissatisfaction with President Ali Abdullah Saleh and launched a military campaign. AQAP's leader Nasir al-Wuhayshi, in fact, saw in the unfolding disorder of 2011 an unmissable opportunity for his group to build the Islamic Emirate that he had long desired.³⁵ Thus, despite the reticence of al-Qaʿida Central's senior leadership,³⁶ AQAP created Ansar al-Sharia (Supporters of Islamic law) as its insurgent arm. As the Yemeni army was concentrated around the capital, AQAP/Ansar managed to conquer

³⁴ Andrea Nusse, *Muslim Palestine: The Ideology of Hamas* (New York: Routledge, 1998), 39, 75–76.

³⁵ Will McCants, *The ISIS Apocalypse* (New York: St Martin's Press, 2016), 56.

³⁶ Usama bin Laden, "Letter to Nasir al-Wuhayshi," <http://www.jihadica.com/wp-content/uploads/2012/05/SOCOM-2012-0000017-Trans.pdf>.

the southern towns of Jaar and Zinjibar.³⁷ After conquering those territories, AQAP immediately proclaimed an Islamic emirate thereupon.³⁸ However, the group's first experiment at governance was short-lived: one year after the establishment of its emirate, local tribes allied with the new Yemeni government of President Abdrabbuh Mansur Hadi against AQAP and forced the group out of the conquered territories in May 2012.³⁹ As lamented by al-Wuhayshi, "the whole world was against us."⁴⁰

Nonetheless, despite losing its safe havens, AQAP was far from being defeated in any definitive way and managed to rise again in early 2015, after the Houthis (a Zaydi Shi'i armed group from northern Yemen) launched a military campaign against the government that drew the country into civil war.⁴¹ Exploiting the volatile situation, AQAP reasserted its control over parts of the southern governorates of Shabwah, Abyan, Lahij, and Hadramawt.⁴² This time, AQAP's territorial control lasted until April 2016, when military forces backed by the government, the United Arab Emirates, and the United States launched an offensive against the group.⁴³ The next paragraphs will analyse in greater detail how AQAP behaved with respect to the four dimensions of governance under investigation in the two moments in time in which it ruled parts of southern Yemen.

³⁷ Following the conquest, AQAP changed the name of Jaar into Waqar, the Arab word for "dignity;" Katherine Zimmerman, "Al Qaeda in Yemen: Countering the Threat from the Arabian Peninsula," *Critical Threats*, 19 October 2012, <https://www.criticalthreats.org/analysis/al-qaeda-in-yemen-countering-the-threat-from-the-arabian-peninsula>.

³⁸ Ibid.; "Behind militia lines in Jaar," *The New Humanitarian*, 27 March 2012, <http://www.thenewhumanitarian.org/report/95176/yemen-behind-militia-lines-jaar>.

³⁹ "Yemen's al-Qaeda: Expanding the Base," International Crisis Group, Report No. 174, 2 February 2017, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/174-yemen-s-al-qaeda-expanding-base>.

⁴⁰ McCants, 59.

⁴¹ Katherine Zimmerman, "AQAP: A Resurgent Threat," *CTC Sentinel* 8, no. 9 (2015): 19–23; "Yemen's al-Qaeda: Expanding the Base."

⁴² "Yemen's Al Qaeda: Expanding the Base."

⁴³ Daniel Green, "Defeating al-Qaeda's Shadow Government in Yemen," The Washington Institute for Near East Policy, Policy Focus 159, 19 September 2019, 38–39.

As far as inclusivity is concerned, both in 2011–2012 and 2015–2016 AQAP adopted a discriminatory understanding of civilians that “transcend[ed] class, tribe, and regional identity”,⁴⁴ but did not transcend religious identity. In fact, AQAP regarded as legitimate subjects of its Islamic emirate exclusively Yemen’s Sunni Muslim population. In the eleventh issue of its magazine *Sada al-Malahim* (The Echo of Battles), AQAP presented the Shi‘as as the enemies of the Sunnis, who “arm and prepare themselves [against the Sunnis] [...] infiltrate important positions in the army and positions of influence in other sectors [...] seek to monopolize the economy and take control of it from Sunnis so that they have the upper hand.”⁴⁵ In a lengthy treatise entirely devoted to Shi‘ism, AQAP’s Sheikh Harith al-Nazari criticised the Shi‘i imamate as a false invention that corrupts the true spirit of Islam and deviates from God’s revelation.⁴⁶ Similarly, in its English-language magazine *Inspire* AQAP referred to the Shi‘as (derogatorily addressed as Rafidah)⁴⁷ as a sect that is foreign to Yemen and that was brought to the country by the Iranian regime.⁴⁸

AQAP particularly condemned the Zaydi Shi‘as reunited in the Houthi movement, whom it regarded as infidels against whom the *mujahidin* (those who wage *jihad*) must fight. For instance, several issues of *Sada al-Malahim* contain articles in which the Houthis are referred to as apostates.⁴⁹ Similarly, AQAP’s Madad News Agency published a headline in its newsletter that read: “Shaykh Ibrahim al-Rubaysh: The Houthi Microbe is like cancer; it can only be treated by cutting it out. Other types of medication relieve temporarily and then this microbe turns

⁴⁴ Testimony of Gregory D. Johnsen Before the Senate Foreign Relations Committee, 20 January 2010, <http://foreign.senate.gov/testimony/2010/JohnsenTestimony100120a.pdf>.

⁴⁵ Michael Page et al., “Al Qaeda in the Arabian Peninsula: Framing Narratives and Prescriptions,” *Terrorism and Political Violence* 23, no. 2 (2011): 150–172.

⁴⁶ Shaykh Harith al-Nazari, “The Collapse of the Shia Imamate,” April 2015, https://jihadology.net/wp-content/uploads/_pda/2015/04/shaykh-hc481rith-al-nae1ba93c481rc4ab-22the-collapse-of-the-shc4abab-imamate22.pdf.

⁴⁷ The term Rafidah in Arabic means “rejectors” and is used against Shias by radical Sunnis.

⁴⁸ “Al-Qa’ida in the Arabian Peninsula,” *Inspire*, 4 (2010), https://jihadology.net/wp-content/uploads/_pda/2011/01/inspire-magazine-4.pdf.

⁴⁹ Umar al-Jawfi, “The Huthis and the Coming Project”, in *Sada al-Malahim*, 15 (2011), <https://jihadology.net/2011/01/13/english-translation-of-umar-al-jawfis-the-huthis-and-the-coming-project-from-issue-15-of-al-qaidah-in-the-arabian-peninsulas-sada-al-malahim-magazine/>.

against it.”⁵⁰ In a 2012 *fatwa* issued by AQAP’s shari‘a committee, the Houthis have again declared a deviant sect, and *jihad* against them was sanctioned as an instance of defensive *jihad* obligatory for all Muslims.⁵¹

Additionally, AQAP implemented forms of discrimination towards women in both periods of governance. Specifically, AQAP discouraged women from leaving the house—unless it was strictly necessary—in order to prevent their mixing with unrelated men. As a result, women saw their previous freedom to work and study considerably restricted. They were also imposed a strict dress code after the age of six, whereby they had to cover not only their head—as it was already in the tradition of Yemen’s conservative society—but also their eyes.⁵² To remind women of their obligation to dress properly according to their ideology, an AQAP billboard in Mukalla in 2015 read: “Faithful woman: protect your pure body from prying eyes.”⁵³ One woman who lived under AQAP reported that she would only leave the house if and when necessary in order to avoid hearing AQAP members ordering her to wear a veil on her face.⁵⁴ Another woman said that a member of Ansar al-Shari‘a would stay at her workplace every day to prevent men from entering her store.⁵⁵

However, even in the case of Yemen’s Sunni Muslims, during its first governance experience, AQAP excluded civilians from participation and relegated them to the role of passive subjects. In this regard, AQAP’s shari‘a official Abu Zubair Adil al-Abab delivered a lecture in which he argued that “[...] the believer [...] has rejected the democracy that defies

⁵⁰ Al-Qa’ida in the Arabian Peninsula, News Report 7, al-Madad News Agency, 1 January 2012, https://jihadology.net/wp-content/uploads/_pda/2012/01/ane1b9a3c481r-al-sharc4ab_ah-in-yemen-e2809cnews-report-issue-7e280b3.pdf.

⁵¹ Al-Qa’ida in the Arabian Peninsula, Fatwa on fighting the Shia Houthis in the Southern Arabian Peninsula, January 2012, https://jihadology.net/wp-content/uploads/_pda/2012/01/al-qc481_idah-in-the-arabian-peninsula-22on-fighting-the-shc4abah-e1b8a5c5abthc4abs-in-the-southern-arabian-peninsula22.pdf.

⁵² Cook, “Their Fate Is Tied to Ours,” 15; Bel Trew, “Mukalla: Life After al-Qaeda in Yemen,” *The Independent*, 17 August 2018, <https://www.independent.co.uk/news/world/middle-east/mukalla-yemen-al-qaeda-civil-war-after-jihadi-terror-group-a8495636.html>.

⁵³ Fawaz al-Haidari, “Relief in Yemen’s Mukalla After al-Qaeda’s Rule,” *Agence France Press*, 4 May 2016, <https://news.yahoo.com/relief-yemens-mukalla-qaeda-rule-112438019.html>.

⁵⁴ Amnesty International, “Conflict in Yemen: Abyan’s Darkest Hour,” 2012, 22, <https://www.amnesty.org/download/Documents/24000/mde310102012en.pdf>.

⁵⁵ Ibid.

mankind and resists being ruled by Allah alone. [...] the democratic program [...] is contrary to the Quran and Sunna [...].”⁵⁶ In a similar vein, AQAP’s Fahd al-Quso al-Awlaqi explained that “[t]he democratic game is rejected by us on the basis of shariah, because it is based on the rule of the people by the people and also based on majority votes. And this is a contradiction with Allah’s exclusive right to rule His creation.”⁵⁷

Only when the group returned to governance in 2015–2016, did it establish new structures for local administration composed of civilian figures. The most prominent example in this regard was the Hadramawt National Council (HNC), which was founded in Mukalla after the city fell to AQAP and was composed of 60 prominent figures of the local Sunni community—tribal leaders, scholars, dignitaries, and elders.⁵⁸ In the seventh issue of the *al-Masra* newsletter, Ansar/AQAP wrote that, upon conquering Mukalla, they informed the notables of the city that they had not come as conquerors and that the door was open for everyone to contribute to the management of the city and the provision of services to its population.⁵⁹ According to the HNC’s Secretary General, the agreement reached with AQAP rested on three points: government institutions would be handed over to the HNC; the HNC would be in charge of security; AQAP would provide the HNC with financial assistance.⁶⁰ Thus, although AQAP retained the reins of power firmly in its hands, in 2015–2016 it revealed itself open to sharing some power with the local civilian population. To be certain, however, participation in the HNC was restricted to a civilian élite, while the

⁵⁶ Abu Zaubair Adel bin Abdullah al-Abab, “Loyalty to the Believers,” al-Fajr Media Center, 22 June 2010, https://jihadology.net/wp-content/uploads/_pda/2010/08/the-global-islamic-media-front-presents-a-translation-of-al-malae1b8a5im-medias-lecture-loyalty-to-the-believers-by-abu-zubayr-adil-biin-abdullah-al-abab.pdf.

⁵⁷ Al-Qa’ida in the Arabian Peninsula, News Report 10, al-Madad News Agency, 1 March 2012, https://jihadology.net/wp-content/uploads/_pda/2012/03/ane1b9a3c481r-al-sharc4ab_ah-in-yemen-e2809cnews-report-issue-10e280b3.pdf.

⁵⁸ Saeed al-Batati, “Yemen: The truth behind al-Qaeda’s takeover of Mukalla,” Al-Jazeera, 16 September 2015, <https://www.aljazeera.com/news/2015/09/16/yemen-the-truth-behind-al-qaedas-takeover-of-mukalla/>.

⁵⁹ Al-Qa’ida in the Arabian Peninsula, *al-Masra*, 7 (2016), 3, https://jihadology.net/wp-content/uploads/_pda/2016/03/al-masracc84-newsaper-7.pdf.

⁶⁰ Ibid.

majority of the population remained excluded from decision-making and policy-making.

As far as the approach to other actors is concerned, in 2011–2012 AQAP did not seem willing to engage in inclusionary practices and instead undermined the power of traditional authorities. This exclusionary approach, however, alienated tribal *sheikhs*—who were not prepared to cede their influence—and ultimately did cost the group dearly.⁶¹ Indeed, as a consequence of AQAP's tendency to try to overpower the pre-existing tribal structures and customs, local tribes allied with President Hadi and expelled the group from their territories. As the opportunity to engage in state-building (or, rather, emirate-building) presented itself again in 2015, AQAP worked instead with the local communities and established a shared (if imperfectly so) system of governance.⁶²

Specifically—and in a way that reminds some of the processes implemented by Hamas in Gaza and accurately described by Alijla in this volume—AQAP renegotiated power with the powerful local tribes of southern Yemen. It sought to penetrate the tribes by capitalising on tribal grievances and tribal distrust towards the state, appealing to tribal honour and tribal religiosity, and presenting itself as an ally of the tribes.⁶³ It also established financial relations through the initiation of joint activities of smuggling and arms trafficking.⁶⁴ Additionally, there are reports that AQAP managed to marry some of its members into

⁶¹ Michael Horton, "Fighting the Long War: The Evolution of al-Qa'ida in the Arabian Peninsula," *CTC Sentinel*, 10, 1 (2017): 17–23.

⁶² Katherine Zimmerman, "AQAP Post-Arab Spring and the Islamic State," in: *How al-Qaeda Survived Drones, Uprisings, and the Islamic State*, ed. A.Y. Zelin (Washington, DC: The Washington Institute for Near East Policy, 2017), 47; Bill Roggio, "Al Qaeda Seizes more Territory in Southern Yemen," *Long War Journal*, 11 February 2016, <https://www.longwarjournal.org/archives/2016/02/al-qaeda-seizes-more-territory-in-southern-yemen.php>; Ayisha Amr, "How al Qaeda Rules in Yemen," *Foreign Affairs*, 28 October 2015, <https://www.foreignaffairs.com/articles/yemen/2015-10-28/how-al-qaeda-rules-yemen>.

⁶³ Sarah Phillips, "Al Qaeda and the Struggle for Yemen," *Survival*, 53, no. 1 (2011): 95–120; Alistair Harris, "Exploiting Grievances: Al-Qaeda in the Arabian Peninsula," Carnegie Endowment, 2010, 6, <https://carnegieendowment.org/2010/06/08/exploiting-grievances-al-qaeda-in-arabian-peninsula-pub-40955>.

⁶⁴ Hussam Radman, "Al-Qaeda's Strategic Retreat in Yemen," Sana'a Center for Strategic Studies, 17 April 2019.

local tribes.⁶⁵ Such penetration of, and integration with, local tribes was so successful that a resident from Hadramawt argued that “[w]e [the people] don’t support them [AQAP]. But they are our kinsfolk. We let them go about their businesses and we go about ours.”⁶⁶ A senior official within AQAP similarly argued that “[w]e [AQAP] are as one with the tribes like never before. We are not al Qaeda now. Together we are the Sunni army.”⁶⁷ In addition to the more cooperative relationship with the tribes, in 2015–2016, AQAP also pursued more cooperative relationships with other prominent members of society. Following the conquest of Mukalla, AQAP’s local members took the name of the Sons of Hadramawt, created the HNC, and assigned most governance functions to it. Importantly, and as mentioned above, the HNC was formed by more than 60 local elders, tribal leaders, dignitaries, and scholars.⁶⁸ As reported by the HNC’s leadership, most of AQAP’s fighters who took control of the city in 2015 were “from famous Hadrami families.”⁶⁹

Finally, as far as institutions are concerned, since the beginning of its governance experiment, AQAP introduced a series of important innovations. As early as 2011, AQAP imposed a judicial system that made shari‘a its exclusive source of law.⁷⁰ As argued by Ansar’s leader Jalal Muhsin Balidi al-Murqoshi, “we want to implement the Shari‘a of Allah in [Abyan] and redress injustices ...”⁷¹ Similarly, in the words of AQAP’s leader Sheikh al-Rubayshi, “our [AQAP’s] goal is to implement the sharia [...] we won’t keep our arms down until we are ruled by the sharia of our Lord or perish before that. [...] implementing the sharia isn’t from the specificities of al-Qa’ida and rather it is an obligation

⁶⁵ Ibid.; Christopher Swift, “Arc of Convergence: AQAP, Ansar al-Sharia and the Struggle for Yemen,” *CTC Sentinel*, 5, 6 (2012): 1–7.

⁶⁶ Elizabeth Kendall, “Contemporary Jihadi Militancy in Yemen,” Middle East Institute, Policy Paper, July 2018.

⁶⁷ “Yemen’s al-Qaeda: Expanding the Base.”

⁶⁸ Zimmerman, “AQAP: A Resurgent Threat;” Zimmerman, “Al-Qaeda and Islamic State in Yemen,” 96; Amr, “How al Qaeda Rules in Yemen.”

⁶⁹ al-Batati, “Yemen: The Truth Behind al-Qaeda’s takeover.”

⁷⁰ Al-Qa’ida in the Arabian Peninsula, “New Video Message from Sheikh Muhammad al-Haniq following his visit to the Emirate of Waqar,” Madad News Agency, March 2012, https://jihadology.net/wp-content/uploads/_pda/2012/03/shaykh-mue1b8a5ammad-al-clb8a5aniq-22message-following-his-visit-to-the-emirate-of-waqar481r-in-the-state-of-abyan22-ar.pdf.

⁷¹ Swift.

imposed by Allah on every Muslim [...]”⁷² As part of its imposition of shari‘a, AQAP opened and ran shari‘a courts.⁷³ Furthermore, it introduced *hudud* punishments (fixed corporal punishments that according to Islamic law are mandated against serious offences such as apostasy, theft, and illegal sexual intercourse).⁷⁴ In 2011, al-Abab reported that “we [AQAP] apply *hudud* as much as we can whenever we have the ability.”⁷⁵ In the horrifying account of a man who suffered directly from AQAP’s punishment after being accused of stealing, “they detained me in a room for five days. They kept beating me hard...and tortured me with electric shocks. [...] After five days they gave me an injection, and I slept. When I woke up, my hand was not there.”⁷⁶

Further, AQAP introduced innovations also in the security sector. As shown in a video shot after AQAP’s defeat in 2012, a *Shurta Ansar al-Shari‘a* (police of Ansar al-Shari‘a) was in charge of maintaining security and order in the towns controlled by AQAP.⁷⁷ In addition, a *hisba* police (i.e. a morality police) was charged with monitoring the people’s behaviour. According to the group’s own reports, *hisba* members were patrolling the streets of the cities in cars equipped with loudspeakers in order to instruct citizens on how to behave (e.g. urging them to attend mosque). A phone number was also written on the front of

⁷² Shaykh Ibrahim bin Sulayman al-Rubaysh, “Do They Then Seek the Judgement of the Days of Ignorance?” Ansar al-Mujahidin English Forum, 13 April 2013, https://jihadology.net/wp-content/uploads/_pda/2013/04/shaykh-ibrc481hc4abm-bin-sulaymc481n-al-rubaysh-22do-they-then-seek-the-judgement-of-the-days-of-ignorance22-en.pdf.

⁷³ Ansar al-Sharia in Yemen, “Eyes on the Event #3”, February 2012, <https://jihadology.net/2012/02/03/madad-news-agency-presents-a-new-video-message-from-anṣar-al-shari‘ah-in-yemen-eyes-on-the-event-3/>.

⁷⁴ “Statement from the sharia court in the state of Abyan of the Imara of Waqar on the establishment of God’s punishment on a group of spies,” February 2012, https://jihadology.net/wp-content/uploads/_pda/2012/02/ane1b9a3c481r-al-sharc4abab-in-yemen-22from-the-sharc4abab-court-in-the-state-of-abyan-of-the-imc481rah-of-waqc481r-on-the-establishment-of-the-e1b8a5add-punishment-of-god-on-a-g.pdf; Gaith Abdul-Ahad, “Al Qaeda in Yemen,” *Frontline*, 29 May 2012, <https://www.pbs.org/wgbh/frontline/film/al-qaeda-in-yemen/transcript/>.

⁷⁵ “Online Questions and Answers Session,” 18 April 2011, https://jihadology.net/wp-content/uploads/_pda/2011/04/ghorfah-minbar-al-ane1b9a3c481r-presents-a-new-audio-message-from-al-qc481_idah-in-the-arabian-peninsulas-shaykh-abc5ab-zc5abbayr-adc4abl-bc4abn-abdullah-al-abc481b-en.pdf [Translated by the International Centre for the Study of Radicalisation].

⁷⁶ McCants, 58.

⁷⁷ “Jaar’s Experience of Living Under the Control of Ansar al-Sharia,” *Al-Jazeera*, 22 June 2012, https://www.youtube.com/watch?v=Q7b8M_-0ejQ.

the car, so that people could call the *hisba* and report violations of what AQAP considered public morality.⁷⁸ When *hisba* found people in violation of AQAP's rule during its patrols of the towns' streets, the consequence depended on the severity of the violations: those who were found committing soft violations were mostly warned against repeating that behaviour, while those who were found committing serious violations were brought to the *hisba* headquarters and referred to AQAP's judicial bodies.⁷⁹ Upon conquering towns throughout southern Yemen, in fact, AQAP imposed new norms of behaviour. Among those, figured the obligation to attend mosque for the five daily prayers⁸⁰; the ban on *qat* (a mild narcotic plant whose leaves are widely chewed in Yemen)⁸¹; the prohibition for men to wear soccer shorts and the requirement to grow a beard⁸²; and the requirement for women to cover their eyes and avoid the public space as much as possible.⁸³ Listening to music, dancing, and engaging in any form of entertainment associated with Western culture was also prohibited.⁸⁴ Gender segregation was imposed in public spaces, hospitals, and schools.⁸⁵

However, when AQAP returned to governance in 2015, it engaged to a greater extent in maintenance. Thus, during its second experiment at governance, AQAP waited some months before applying shari'a and, even then, applied it gradually.⁸⁶ Specifically, during its second

⁷⁸ Al-Qa'ida in the Arabian Peninsula, News Report 15, al-Madad News Agency, 2 April 2012, https://jihadology.net/wp-content/uploads/_pda/2012/04/ane1b9a3c481r-al-sharc4ab_ah-in-yemen-e2809cnews-report-issue-15e280b3.pdf.

⁷⁹ "A report from an al Qaeda-controlled city in Yemen," *France24*, 8 July 2015, <https://observers.france24.com/en/20150708-yemen-mukalla-al-qaeda-control>.

⁸⁰ Abdul-Ahad.

⁸¹ "A report from an al Qaeda-controlled city in Yemen."

⁸² Hakim Almasmari, "Al Qaeda Militants Take Control of Another Yemen Province," *The National*, 12 March 2012, <https://www.thenational.ae/uac/al-qaeda-militants-take-control-of-another-yemen-province-1.602233>.

⁸³ Ibid., "Conflict in Yemen," 22.

⁸⁴ McCants, 58; Sudarsan Raghavan, "In Yemen, Tribal Militias in a Fierce Battle with al-Qaeda Wing," *The Washington Post*, 10 September 2012, https://www.washingtonpost.com/world/middle_east/in-yemen-tribal-militias-in-a-fierce-battle-with-al-qaeda-wing/2012/09/10/cc6f1e-f2b2-11e1-b74c-84ed55e0300b_story.html.

⁸⁵ "Conflict in Yemen," 22.

⁸⁶ Zimmerman, "AQAP Post-Arab Spring," 47.

experience in governance, AQAP abolished most *hudud* punishments, applying them only in extreme circumstances and in a limited number of cases. A local resident from Mukalla, for instance, reported that, during the group's rule in 2015–2016, a man and a woman accused of adultery were stoned to death and two men suspected of being spies were crucified, but he also added that “such incidents were rare.”⁸⁷ Additionally, the group maintained previous customs and habits, allowing women to be outside of their houses after sunset and allowing people to watch football matches and listen to music.⁸⁸ The ban on *qat* was re-imposed, and people found selling it were fined and punished with confiscation of the narcotic.⁸⁹ Nonetheless, the ban was imposed somewhat more gradually, so that people could become accustomed to the new regulations.⁹⁰ In the words of one Mukalla resident, when AQAP conquered the town “[t]he group's members were very reassuring towards the residents. They said that they had no intention of applying sharia law straight away, but favoured dialogue with the local population. But little by little, the group began imposing its laws.”⁹¹

Following the above case study, it emerges that during its first experience at governance in 2011–2012, AQAP's approach to civilian administration was consistent with the ideological imperatives of Salafi-Jihadism in all four dimensions of governance under investigation here. Confirming the hypothesis advanced in the previous section, the group adopted a religion-based and gender-based discriminatory understanding of civilians, which was maintained during AQAP's second experience at governance. This observation also validates the argument advanced by scholars such as Arjona and Suykens who ascribe to a group's ideology its understanding of who is entitled to live in the newly created rebel

⁸⁷ Faisal Edroos, Salah al-Batati, “After al-Qaeda: No signs of recovery in Yemen's Mukalla”, *Al-Jazeera*, 11 January 2018, <https://www.aljazeera.com/features/2018/1/11/after-al-qaeda-no-signs-of-recovery-in-yemens-mukalla>.

⁸⁸ Saeed al-Batati, “When Al Qaeda Stormed My City: Reporter's Notebook,” *The New York Times*, 10 April 2015, <https://www.nytimes.com/times-insider/2015/04/10/when-al-qaeda-stormed-my-city-reporters-notebook/>; “Yemen's al-Qaeda: Expanding the Base,” 11.

⁸⁹ “A report from an al Qaeda-controlled city in Yemen.”

⁹⁰ Ibid.

⁹¹ Ibid.

proto-state.⁹² Conversely, non-ideological factors do not seem to have influenced AQAP's governance strategy with respect to this dimension of rule. According to Stewart, in fact, a group that aspires to capture power at the centre, such as was the case of AQAP in 2011–2012 and 2015–2016, should adopt a discriminatory approach whereby only those who participate actively in the group's military efforts are provided with governance services.⁹³ This, however, is not consistent with the specific patterns of inclusion and exclusion observed in the case of AQAP.

Similarly, the group's decision to rule in isolation and to introduce extensive innovations confirm the hypotheses advanced above with respect to these two dimensions of governance. Again, it seems that in both cases only ideology can offer a satisfactory explanation for AQAP's attitude towards other actors and towards pre-existing institutions in 2011–2012. Scholars such as Barter, Mampilly, and Förster, in fact, have suggested that rebel rulers often find it convenient to cooperate with more experienced and/or more legitimate actors, so as to benefit from better provisions of governance and/or from greater legitimacy.⁹⁴ The reason that AQAP, which in 2011–2012 was unexperienced in matters of governance and little integrated into the Yemeni social landscape, refrained from cooperating with other local actors can therefore be explained only by referring to the ideological imperatives of Salafi-Jihadism. Furthermore, the same literature suggests that rebel rulers often prefer to maintain (at least some) pre-existing institutions to reduce the costs that introducing and running new ones inevitably entails.⁹⁵ Again, the reason that AQAP, which in 2011–2012 had no prior experience in governance and had limited resources at its disposal, opted nonetheless to introduce extensive innovations, seems to be explained only by its decision to follow the imperatives of its ideology. Interestingly, this observation is also in line with Kasfir's argument that ideological groups

⁹² Arjona, 301–302; Suykens, 141–145.

⁹³ Stewart, "Civil War as State-Making."

⁹⁴ Barter, 227; Förster, 204; Zachariah Mampilly, *Rebel Rulers* (Ithaca: Cornell University Press, 2011), 73, 89–90.

⁹⁵ Ibid.

are in general more prone to innovate than those not motivated by ideology.⁹⁶

In addition to excluding other actors, AQAP also excluded civilians. This observation also confirms the hypothesis that was advanced with respect to this dimension of governance. Conversely, non-ideological factors do not seem to have influenced AQAP's approach to civilian participation in 2011–12. According to Weinstein, in fact, only groups that rely on economic endowments can allow themselves to disregard civilians and to exclude them from participation. Groups with limited access to economic endowments, which was the case of AQAP in 2011–12, would instead tend to encourage at least some degree of civilian participation, recognising that they depend on civilians (and on civilian labour) to generate the financial resources on which their survival depends.⁹⁷

Differently, I argue that in 2015–2016 AQAP adopted an approach to governance that was less consistent with the ideological imperatives of Salafi-Jihadism. Specifically, as AQAP returned to governance in 2015, it allowed a certain degree of civilian participation. In fact, AQAP's leader al-Wuhayshi had learned from the previous experience in governance—and especially from the way in which that experience was abruptly ended in 2012—the cost of imposing al-Qa'ida's unilateral structures of rule and the importance of cultivating the support of local communities.⁹⁸ This attitude of AQAP reveals that in 2015–2016 the group behaved as predicted by Weinstein's theory, according to which groups that rely mostly on social, rather than economic, endowments have the incentive to share power with the people.⁹⁹

In 2015–2016, AQAP also adopted a more cooperative approach towards tribal leaders and prominent members of the local civil society. As the opportunity to engage in governance presented itself again in

⁹⁶ Nelson Kasfir, "Rebel Governance. Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," in *Rebel Governance in Civil War*, eds. Ana Arjona, Nelson Kasfir, and Zachariah Mampilly (New York: Cambridge University Press, 2015).

⁹⁷ Weinstein, 171–173.

⁹⁸ Elizabeth Kendall, "How Can al-Qaeda in the Arabian Peninsula Be Defeated?" *The Washington Post*, 3 May 2016, https://www.washingtonpost.com/news/monkey-cage/wp/2016/05/03/how-can-al-qaeda-in-the-arabian-peninsula-be-defeated/?utm_term=.180b422c87e2.

⁹⁹ Weinstein, 171–173.

2015, AQAP was careful to avoid repeating its past mistakes and adapted its ruling strategies accordingly: rather than asserting its exclusive authority over the conquered territories, this time it opted to work with the local communities to establish a shared system of governance and integrate itself into the local social fabric.¹⁰⁰ The aims were to avoid the past resentment towards the group, de-emphasise the damaging relationship with al-Qaʿida Central, and share the burden of governance. This change in AQAP's behaviour is explained well by Barter, Mampilly, and Förster, who posit that groups often cooperate with legitimate and respected local actors in order to improve their reputation among the broader population.¹⁰¹

Additionally, in 2015–2016 AQAP also opted to allow a greater extent of maintenance. As AQAP learned from its past mistakes the desirability of cooperating with respected local actors, it also learned the importance of maintaining pre-existing and well-consolidated customs: in a society resting upon *ʿurf* (tribal customary law), AQAP recognised the importance of not uprooting those foundations in order to avoid local alienation and acquire greater legitimacy.¹⁰² Again, AQAP's practices in this regard in 2015–2016 are explained well by that part of the rebel governance literature according to which rebel rulers often prefer maintenance over innovation as a pragmatic strategy aimed at increasing their legitimacy and capacities.¹⁰³

Conclusion

Recognising that the relationship between rebel ideology and rebel governance is the object of considerable scholarly debate, this chapter has sought to investigate the link between doctrine and governance in the case of AQAP, the al-Qaʿida affiliate that ruled over parts of southern

¹⁰⁰ Zimmerman, "AQAP Post-Arab Spring and the Islamic State", 47; Roggio, "Al Qaeda Seizes more Territory;" Amr, "How al Qaeda Rules in Yemen."

¹⁰¹ Barter, 227; Förster, 204; Z. Mampilly, 73, 89–90.

¹⁰² Bryce Loidolt, "Managing the Global and Local: The Dual Agendas of Al Qaeda in the Arabian Peninsula," *Studies in Conflict & Terrorism*, 34, 2 (2011): 102–123.

¹⁰³ Barter, 227; Förster, 204; Z. Mampilly, 73, 89–90.

Yemen in 2011–2012 and in 2015–2016. After introducing the group's Salafi-Jihadist ideology and building a series of hypotheses on how that specific ideology might relate to patterns of rebel governance, the chapter proceeded to investigate how the group governed. In particular, it looked at the group's understanding of civilians, the group's attitude towards civilian participation, the group's approach to other actors, and the group's posture towards pre-existing institutions.

Following the case study, it was argued that, during its first experience at governance in 2011–2012, AQAP's approach to civilian administration was consistent with its Salafi-Jihadist ideology in important ways in all the four dimensions of governance investigated. Differently, during the second experience in governance in 2015–2016, AQAP adopted an approach to governance that was somewhat less consistent with ideology with respect to civilian participation, approach to other actors, and posture towards pre-existing institutions.

In conclusion, this chapter argues that, while ideology influenced the governance system implemented by AQAP in both periods of time, the group adopted an increasingly less ideological approach to governance. In other words, while ideology was an important factor behind AQAP's governance strategies both in 2011–2012 and 2015–2016, considerations other than ideology came to play a greater role over time. Importantly, this reveals a Salafi-Jihadist capacity to balance ideology and pragmatism while engaging in governance and a Salafi-Jihadist openness to adapt increasingly pragmatic governance strategies over time. While this observation confirms some of the arguments advanced by Skretting in his recent study of Malian jihadists, it remains for future studies to investigate whether these observations are recorded also in the case of other Salafi-Jihadist rebel rulers.

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Libya After Qaddafi: Are Tribes Always Rebels?

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Introduction

In Libya, tribes are the structure of society. From independence in 1951 until the revolution of 2011, both political and tribal leaders had mutual benefits of working together according to the principal-agent rule. However, the 2011 revolution was a significant event in terms of the rebel governance in the country. Thus, there has been more than a pattern in establishing rebel groups; while some emerged from tribal communities, others were independent and worked for their private interests. This chapter poses the question: Why (and how) have the tribe–rebel relationships varied in Libya since 2011? The post-Qaddafi era has provided a good opportunity for tribes and independent militias to claim benefits. Contrary to conventional tribal control, not every community has been controlled by the tribes' leaders as before 2011.

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Many revolutionary groups established their own militias because of the low capacity of governments, huge possible revenues, and a weak economy.

After the collapse of Qaddafi's regime, the consecutive governments of Tripoli rewarded most of those who fought against Qaddafi's forces with salaries and included some of them in the new security forces. Tens of thousands of individuals and groups, who did not even carry weapons during the revolution, were enlisted and received benefits, which resulted in the widespread of weapons. In addition, political fragmentation has dragged the country into a prolonged civil war, which has also polarised some militias and tribes to support political groups against others, especially in the northeast and northwest Libya—i.e., strongholds of the two governments. Furthermore, the low capacity of Libya's national government sharply decreased in terms of providing services, security, and resources. As a result, community-based militias and tribes have become in many places the only source of power and a good alternative to the weak central government. Consequently, militarising communities was necessary for surviving.

Since the definitions of rebel groups and rebel governance refer to controlling territories, recruiting members, and regulating civilians' issues,¹ it is sometimes difficult to differentiate between tribes and rebels in Libya after 2011. That is, because of the political fragmentation and low capacities of the consecutive governments, most tribes in Libya were forced to adopt the model of rebel governance to provide resources and security for their communities. This chapter contends that factors, such as communal cohesiveness, geographic location, and power of the political actor, affect when and how the tribes establish their own rebel groups. According to these conditions, tribes may share power or be an agent for another political actor. However, other tribes may choose to isolate themselves and build their own armed groups

¹ Ana Arjona, Nelson Kasfir, and Zachariah Mampilly, eds. *Rebel Governance in Civil War* (Cambridge: Cambridge University Press, 2015): 24; Kathleen Gallagher Cunningham and Cianne E. Loyle. "Introduction to the Special Feature on Dynamic Processes of Rebel Governance," *Journal of Conflict Resolution* 65, no. 1 (2021): 5; Jentzsch Corinna, Stathis N. Kalyvas, and Livia Isabella Schubiger, "Milicias in Civil Wars," *Journal of Conflict Resolution* 59, no. 5 (2015): 755–769; Jeremy M. Weinstein. *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2006).

and semi-autonomous territories, or to isolate themselves with fewer possible benefits and power. These conditions explain much of how rebel governance looks in post-Qaddafi Libya.

This chapter has four sections. The first focuses on exploring the theoretical definitions of different terms, such as rebels, legitimacy, and rebel governance. The second section is historical and analyses the nature of Libyan society and tribes, and how the governments have used the tribes for maintaining their regimes. The third section discusses conditions after 2011, and how tribes became rebel groups by expanding localism. The last section explores the conditions that are expected to govern the tribe–rebel relationships, such as the power of government and the tribe, and the geographic proximity of those tribes to the stronghold of the political actors.

Theoretical Perspective and Terminology

While this chapter focuses on exploring how tribes in Libya have turned to be rebel groups, it is necessary to understand what the literature about rebels, legitimacy, and rebel governance refers to from a theoretical perspective. It is also important to know how rebel groups behave and what they aim for in order to check whether those concepts may apply to the Libyan tribes after 2011.

Exploring the Theory of Rebels

Many scholars have defined and developed the concept of rebels depending on the scope and context of their studies. As a result, these scholars use the concept of rebels or rebel groups in different ways. Fearon and Laitin define a rebellion as a not heavily armed group, one that is weaker than the government it opposes and operates in rural areas and attacks the state.² Arjona et al.³ offer another definition of rebel

² James Fearon and David Laitin. "Ethnicity, Insurgency, and Civil War." *American Political Science Review* 97, no. 1 (2003): 75.

³ Arjona et al., *Rebel Governance in Civil War*, 24.

organisations as “consciously coordinated groups whose members engage in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state’s territory.” Further, Cunningham and Loyle define rebels as “nonstate actors in conflict with an established and recognized state either over control of the state or for greater control within some portion of the state’s territory.”⁴ All definitions reflect the intention of rebel groups to control territories within a nation state, which clarifies the dynamics of interactions of these groups’ official armies, which I will discuss in the following sections. Furthermore, Arjona uses the terms rebels, combatants, and nonstate actors interchangeably.⁵ The author uses these terms to refer to the behaviour of those armed groups during civil wars. For Arjona, these groups fight their counterparts in order to change the status quo, or rebels may fight each other over territories that have valuable resources.⁶ Both definitions explain the dynamics of inter and intra-levels of competitions.

In addition, the nature of competition between rebel groups or with other types of military forces over a piece of land, resources, and/or power is primarily local.⁷ In other words, rebels usually become active, mobilise new members, and build their own bases in their local communities.⁸ This nature of locality provides some benefits for rebels and their communities at the same time.⁹ However, being in a community, rebels need to behave carefully and provide governance where they are. In Carey and Mitchell’s view,¹⁰ rebels may avoid the burden of monitoring their environment because it could prevent acts of violence and wrongdoing between them and the community members. The rationale is that, when

⁴ Cunningham and Loyle, 5.

⁵ Ana Arjona, *Rebelocracy: Social Order in the Colombian Civil War* (Cambridge: Cambridge University Press, 2016): 24–25. In this chapter, these terms will also be used in the same way.

⁶ Päivi Lujala, “Valuable Natural Resources,” in *Routledge Handbook of Civil Wars*, eds. Edward Newman and Karl DeRouen, Jr. (London: Routledge, 2014): 135–146.

⁷ Govinda Clayton and Andrew Thomson, “Civilianizing Civil Conflict: Civilian Defense Militias and the Logic of Violence in Intrastate Conflict,” *International Studies Perspectives* 60, no. 3 (2016): 499–510.

⁸ Jentzsch et al., “Militias in Civil Wars,” 755–769.

⁹ Ibrahim Fraihat, *Unfinished Revolutions* (London: Yale University Press, 2016).

¹⁰ Sabine Carey and Neil Mitchell. “Progovernment Militias.” *Annual Review of Political Science* 20 (2017): 127–147.

such actions take place, families of rebels might be sanctioned, making the community no longer safe for the rebels.¹¹ However, this situation of mutual benefits is not always in place on the ground. In some cases, there is coercion in the relationships between the rebels and community populations, in which the community population is forced to follow what the rebels want.¹²

Legitimacy: Why Is the Public So Important?

In both cases—i.e., whether there is cooperation or coercion in terms of the relationship between the hosting communities and the rebels—powerful rebels usually seek to ensure the compliance of the people who live in the territory they control or seek to control. Like any political regime, a rebellion also needs to legitimise its presence in the territories and communities it controls.¹³ As a result, legitimacy is at the core of rebel governance, in that rebels fight for their acceptance in the communities they govern. In this regard, the Weberian conception of legitimacy—as one component of sovereignty¹⁴—revolves around the idea of showing compliance to the prevailing political authority.¹⁵

Other scholars have different definitions of what legitimacy means. For Schlichte and Schneckener, it means “the belief in the rightfulness of an armed group’s agenda and violent struggle.”¹⁶ In a sense, Lujala refers to the grievance against the state as a reason that people carry arms to

¹¹ Also see Mancur Olson, “Dictatorship, Democracy, and Development,” *American Political Science Review* 87, no. 3 (1993): 567–576.

¹² Arjona et al., *Rebel Governance in Civil War*.

¹³ Virginie Collombier, Maria-Louise Clausen, Hiba Hassan, Helle Malmvig, and Jan Pét Khorto, “Armed Conflicts and the Erosion of the State: The Cases of Iraq, Libya, Yemen and Syria,” *MENARA Working Papers*, no. 22 (November 2018), https://www.cidob.org/en/publications/publication_series/project_papers/menara_papers/working_papers/armed_conflicts_and_the_erosion_of_the_state_the_cases_of_iraq_libya_yemen_and_syria.

¹⁴ Christoph Zürcher, “Rebel Rulers: Insurgent Governance and Civilian Life During War,” *African Affairs* 112, no. 449 (2013): 683–684.

¹⁵ Wolfgang Mommsen, *Max Weber and German Politics, 1890–1920* (Chicago: University of Chicago Press, 1990).

¹⁶ Klaus Schlichte and Ulrich Schneckener, “Armed Groups and the Politics of Legitimacy,” *Civil Wars* 17, no. 4 (2015): 413.

defend the interests of the communities they represent.¹⁷ Also, Risse and Stollenwerk define legitimacy “as a given population’s sense of obligation or willingness to accept their authority,”¹⁸ or those institutions that “should regulate their interactions.”¹⁹ Additionally, Krasner defines what he dubs domestic sovereignty as “the formal organization of political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity.”²⁰ Finally, Zürcher contends that this concept is “an authority relationship that achieves the appropriate combination of coercion and consent between the political regime and the subject population.”²¹ Consequently, legitimacy seems to be a significant part of governing, in which the winner could go control the geographic area with a possibility of expanding control to other areas as well.

According to the abovementioned definitions, legitimacy is about winning the compliance of the public. Yet, governance is usually related to different factors, such as whether the government or rebels need to be followed because one monopolises the means of violence.²² In this regard, the concept of limited statehood—defined as a state that has weak capabilities to enforce sanctions on deviant behaviours²³—helps to understand the conditions in which rebels can easily seek legitimacy. According to Risse and Stollenwerk, the limitation of statehood is not absolute,²⁴ yet can be only in parts of the territory or policy areas in

¹⁷ “Lujala,” 135–146.

¹⁸ Thomas Risse and Eric Stollenwerk, “Legitimacy in Areas of Limited Statehood,” *Annual Review of Political Science* 21 (2018): 404.

¹⁹ Arjona, *Rebelocracy*, 67.

²⁰ Stephen Krasner, “Globalization and Sovereignty,” in *States and Sovereignty in the Global Economy*, eds. David Smith, Dorothy Solinger, and Steven Topik (London: Routledge, 1999): 4.

²¹ Zürcher, 55.

²² Risse and Stollenwerk, 406.

²³ Stephen Krasner and Thomas Risse, “External Actors, State-building, and Service Provision in Areas of Limited Statehood,” in *Domestic Politics and Norm Diffusion in International Relations*, ed. Thomas Risse (London: Routledge, 2016): 197–217.

²⁴ Risse and Stollenwerk, 406.

which governance cannot reach due to a weak state or political institutions.²⁵ Additionally, the restricted access and movements of rebels explain different types of control, such as territorial when the rebels have free access, segmented territorial control with exclusive access, and fragmented territorial with shared access to resources and information.²⁶ Thus, the weakness of governments and political institutions determines what of the above types emerges.

When the Rebels Govern

Rebel governance is closely related to the concept of sovereignty: when a state's sovereignty is weak, the rebels are able to set new rules in the territory they control. Cunningham and Loyle broadly define rebel governance as "the provision of governance... by those groups."²⁷ Additionally, this term also means "the organization of civilians within the rebel-held territory for a public purpose. These purposes include rebel encouragement of civilian participation, provision of civilian administration, or organization of civilians for significant material gain."²⁸ More broadly, rebel governance refers to establishing institutions for regulating civilians' issues.²⁹ Furthermore, there are two types of rebel governance depending on the level to which such rebels can the civilians' affairs; Arjona calls these two types aliocracy and rebelocracy.³⁰ She defines aliocracy as "a social order in which armed groups do not intervene beyond the two most basic realms of rule: security... and taxation." In addition to intervening in security and taxation, rebelocracy is a social order in which the armed groups control adjudicating disputes, regulating economic activities, establishing rules of conduct, and regulating the provision of basic services.

²⁵ Collombier et al., "Armed Conflicts and the Erosion of the State: The Cases of Iraq, Libya, Yemen and Syria."

²⁶ Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

²⁷ Cunningham and Loyle, 5.

²⁸ Arjona et al., *Rebel Governance in Civil War*, 24.

²⁹ Weinstein, 164.

³⁰ Arjona, *Rebelocracy*, 24.

This type of governance emerges for several reasons. In general, when states fail, armed groups compete for power. Also, “[R]ebels are motivated by their need for resources and autonomy, both of which are vital for their survival and continued operations against their targets.”³¹ From the perspective of the public institutions that are expected to protect the civilians—such as, the judiciary, police, etc.—they are necessary for protection from other groups.³² As a result, the cooperation of civilians with armed groups depends on the level of the rebels’ intervention in the civilians’ affairs and the nature of enforced rules.³³ When rebels establish governance, their organisations may emerge quickly in order to respond to the basic needs of civilians.³⁴ For instance, the Eritrean People’s Liberation Front, the Tigray People’s Liberation Front, and the National Union for the Total Independence of Angola were able to provide healthcare, education, taxation, and other services for civilians.³⁵ However, that provision sometimes depends on the resources that the rebels have.

Indeed, financial incentives are one major incentive for rebel governance. Collier and Hoeffler distinguish between poor and natural-resources-based economies.³⁶ They find that, in poor economies, rebels may cheaply join armed groups, and resources can be gained from production and labour. Additionally, a young population can increase the rate of recruitment in a given population.³⁷ However, in rich economies, rebels seek to control natural resource in order to maintain their activities—e.g., in Libya, the petroleum guards with tribal ties earn revenues

³¹ Belgin San-Akc, *States in Disguise: Causes of State Support for Rebel Groups* (Oxford: Oxford University Press, 2016): 13.

³² Collombier et al., “Armed Conflicts and the Erosion of the State: The Cases of Iraq, Libya, Yemen and Syria,” Federico Varese. “Protection and Extortion,” in *The Oxford Handbook of Organized Crime*, ed. Letizia Paoli (Oxford: Oxford University Press, 2014): 343–358.

³³ Arjona, *Rebelocracy*.

³⁴ Zachariah Mampilly and Megan Stewart, “A Typology of Rebel Political Institutional Arrangements,” *Journal of Conflict Resolution* 65, no. 1 (2021): 15–45.

³⁵ Arjona, *Rebelocracy*.

³⁶ Paul Collier and Anke Hoeffler. “Greed and Grievance in Civil War,” *Oxford Economic Papers* 56, no. 4 (2004): 563–595.

³⁷ Paul Collier, “Rebellion as a Quasi-Criminal Activity,” *Journal of Conflict Resolution* 44, no. 6 (2000): 839–853.

due to their control of oil wells in the west (Zintan) and the east.³⁸ Regardless of the type of economy, in weak states, rebels usually end up taking advantage of the power vacuum left by a weak state by smuggling weapons and humans, recruiting members, and raising funds.³⁹ Also, due to such state weakness, Newman and DeRouen contend that the availability of lootable goods, such as weapons, drugs, and migrants, extends the duration of violence.⁴⁰

Libyan Tribes Pre-2011

The impact of Libyan tribes, as a “concept of political identity,”⁴¹ on domestic politics is still a controversial issue among scholars. Although the mainstream discussion about tribes refers to their negative impacts, such as their incompatibility with modernisation and the challenge they present governments,⁴² Fraihat contends that tribes may help governments to control their borders in remote areas, such as in Yemen.⁴³ Tribes can also substitute for a weak government in areas outside of its control.⁴⁴ Yet, any of those roles are conditioned by the context and region.

As in many other regions in the world, tribes are sometimes significant players in the Middle East and North African (MENA) region. Their

³⁸ Jonathan Winer, “Origins of the Libyan Conflict and Options for Its Resolution,” The Middle East Institute, last modified May 2019, https://www.mei.edu/sites/default/files/2019-05/Libya_Winer_May%202019%20update_0.pdf; Collombier et al., “Armed Conflicts and the Erosion of the State: The Cases of Iraq, Libya, Yemen and Syria.”

³⁹ San-Akca.

⁴⁰ Karl DeRouen, “The Duration and Recurrence of Civil War,” 135–146.

⁴¹ Dale Eickelman, “Introduction: Print, Writing, and the Politics of Religious Identity in the Middle East,” *Anthropological Quarterly* 68, no. 3 (1995): 133–138.

⁴² Lisa Anderson, “Tribe and State: Libyan Anomalies,” in *Tribes and State Formation in the Middle East*, eds. Shukry Khoury, Philip Khoury, and Joseph Kostiner (California: University of California Press, 1990): 289.

⁴³ Fraihat.

⁴⁴ Daniel Corstange, “Tribes and the Rule of Law in Yemen,” *Annual Conference of the Middle East Studies Association, Washington*, November 2008, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.554.568&rep=rep1&type=pdf>; Ulf Laessing, *Understanding Libya Since Gaddafi* (Oxford: Oxford University Press, 2020).

roles depend on the nature of the society and the rulers who rely on them for maintaining their control. Libya is one of the countries in MENA in which tribes are vital for society and government. Libya's society is fractured and has tribal, cultural, ideological, and geographic divisions.⁴⁵ Furthermore, Al-Shadeedi and Ezzeddine contend that tribes in Libya are a static structure that has social organisations,⁴⁶ especially given that Libya has about 140 tribes and families, 20–30 of whom are politically influential.⁴⁷ Furthermore, the tribal unions in Libya are an old kind of organisation similar to the form of state in the country and thus have been able to regulate their own affairs.⁴⁸

The tribal nature of the Libyan society has been useful for its leaders over the course of modern history. Paoletti argues that, for both King Idris and Qaddafi, tribes helped their governments to maintain and consolidate power.⁴⁹ Furthermore, some tribal leaders were incumbents, and others were authorised to collect taxes from the local communities.⁵⁰ Qaddafi also tried to manipulate tribes by claiming that they share his tribal history, legacy, or ancestry in order to ensure their support.⁵¹

As a result, tribes started to engage more in politics, especially for the leaders who played critical roles in their local communities through, for instance, resolving conflicts and implementing development plans.⁵² To help control tribal communities, Qaddafi established the Popular Social

⁴⁵ Jean-Louis Romanet Perroux, "The Deep Roots of Libya's Security Fragmentation," *Middle Eastern Studies* 55, no. 2 (2019): 200–224.

⁴⁶ Al-Hamzeh Al-Shadeedi and Nancy Ezzeddine, "Libyan Tribes in the Shadows of War and Peace," Clingendael, Netherlands Institute of International Relations, 18 February 2019, <https://www.clingendael.org/publication/libyan-tribes-shadow-war-and-peace>.

⁴⁷ William Taylor, *Military Responses to the Arab Uprisings and the Future of Civil-Military Relations in the Middle East: Analysis from Egypt, Tunisia, Libya, and Syria* (New York City: Springer, 2014).

⁴⁸ Ahmed Salah and Sherine N. El Taraboulsi, "Libya," in *Giving in Transition and Transitions in Giving: Philanthropy in Egypt, Libya, and Tunisia*, eds. Sherine El Taraboulsi, Ahmed Slah Eldin, Naila Taji Farouky, Mahi Khallaf, and Almongi Zidi (Cairo: The American University of Cairo, 2013): 211–213.

⁴⁹ Emanuela Paoletti, "Libya: Roots of a Civil Conflict," *Mediterranean Politics* 16, no. 2 (2011): 313–319.

⁵⁰ Wolfram Lacher, *Libya's Fragmentation: Structure and Process in Violent Conflict* (London: Bloomsbury Publishing, 2020).

⁵¹ Author's interview with Nazar al-Firtas—Libyan writer, 2 January 2022.

⁵² Paoletti, "Libya: Roots of a Civil Conflict."

Leadership as a communal monitoring system⁵³ and the Pact of Honour to hold tribes accountable for their members' activities—any violation would result in collective punishment, such as deprivation of essential services and jobs.⁵⁴

Furthermore, Qaddafi worked to disperse the political and military powers among his loyal families and tribes to avoid a possible threat to his rule.⁵⁵ As a result, the patronage system privileged some tribes in Libya—such as al-Warfalla, al-Magariha, and al-Qadhadhfa—especially those with family ties to Qaddafi; also, influential positions in the army, security forces, and government were given to tribesmen to maintain their loyalty to the regime.⁵⁶ Indeed, after the unsuccessful military coup of 1995, Qaddafi transferred many of his tribesmen to fill critical positions in the military to avoid such a rebellion in the future.⁵⁷ This arrangement prevented some local families/tribes from having power, which forced them to engage in illicit activities—i.e., smuggling drugs, migrants, and weapons—to provide resources to survive.⁵⁸

Qaddafi was also able to use tribes as a shield for his regime by directing public criticism away from his governance and instead to the tribal level. In other words, before 2011, competition for power and benefits was at the tribal level, not at the level of political institutions.⁵⁹ Qaddafi's strategy of divide and rule led to the marginalisation of some communities, the disintegration of national identity, and urbanisation. In addition, giving privileges to some tribes and families resulted in

⁵³ Author's interview with Ismail al-Qeretly, Libyan Journalist, 28 December 2021.

⁵⁴ Hanspeter Mattes, "Formal and Informal Authority in Libya Since 1969," in *Libya Since 1969*, ed. Dirk Vandewalle (New York: Palgrave Macmillan, 2008): 55–81.

⁵⁵ Florence Gaub, "Libya: The Struggle for Security," European Union Institute for Security Studies, 24 June 2013, <https://www.iss.europa.eu/content/libya-struggle-security>; Tuesday Reitano and Mark Shaw, "Libya: The Politics of Power, Protection, Identity and Illicit Trade," *United Nations University Centre for Policy Research*, May 2017, http://collections.unu.edu/eserv/unu:6427/Libya_politics.pdf.

⁵⁶ Nadine Schnelzer, *Libya in the Arab spring: The Constitutional Discourse Since the Fall of Gaddafi* (New York: Springer, 2015); Al-Shadeedi and Ezzeddine.

⁵⁷ Taylor.

⁵⁸ Floor El Kamouni-Janssen, Hamzeh Shadeedi, and Nancy Ezzeddine, "Local Security Governance in Libya," *The Clingendael Institute*, October 2018, https://www.clingendael.org/sites/default/files/2018-10/diversity_security_Libya.pdf.

⁵⁹ Schlichte and Schneckener, 409–424.

dysfunctional governance, weak political institutions, and mistrust of the marginalised people towards the central government.⁶⁰

Also, some marginalised⁶¹ tribes considered their challenge to the government legitimate due to the government's treatment of them,⁶² which in turn increased the regime's need for another way to maintain its governance. Consequently, Qaddafi succeeded in building antagonism between two types of tribes: his supporters and his enemies. After 2011, conflicts occurred between the privileged and disadvantaged tribes, which resulted in a wide range of revenge—e.g., tribes of Misrata and Bani Walid.⁶³ Thus, after 2011, the old rivalries among tribes and families were reborn and resulted in militarised confrontations.⁶⁴

Post-2011: Qaddafi's Collapse as a Game Changer

Since 2011, Libya's domestic conditions have changed dramatically. It has become a fragile state in which weak governments have emerged. Both political and communal conditions also led most Libyans to focus locally. Competition for power and resources forced most tribes to create their own armed groups. Furthermore, seeking protection or looking for more resources has motivated many tribes to engage in politics by supporting one of the two governments—east or west. However, not every tribe has established its own militias, or was every rebel group affiliated with a tribe. In other words, there have been two kinds of armed groups: tribe-affiliated and independent—all usually motivated by greed.

⁶⁰ Collombier et al., "Armed Conflicts and the Erosion of the State: The Cases of Iraq, Libya, Yemen and Syria."

⁶¹ In general, Qaddafi was marginalizing the non-Arab Libyan tribes, such as Amazigh, Tebu, and Tuareg under his policy of Arabism, which had been adopted since the late of 1980s until 2011 (Schnelzer).

⁶² Anderson, "Tribe and State: Libyan Anomalies."

⁶³ Al-Shadeedi and Ezzeddine.

⁶⁴ Perroux.

This chapter aims to explain this variation in the tribal–rebellion interactions in Libya by asking: Why have the tribe–rebel relationships varied in Libya since 2011?

Libyan Tribes and Rebels: Levels of Integration

In 2011, given the opportunity to oust Qaddafi's regime, tribes in Libya proved an effective factor in weakening the regime, yet they were not the only factors. Tribes supported the revolution and helped the protestors to end Qaddafi's era. For example, Tabu was one of the tribes in south Libya that Qaddafi had marginalised⁶⁵ and was one of the tribes that fought against the regime.⁶⁶ During the 2011 revolution, hundreds of fighters from many other tribes and families in Libya fought against the regime and filled the security gap.^{67,68}

Furthermore, since 2011, Libya's fragility⁶⁹ has increased (see Fig. 1), which reflects the nature of Libya's domestic conditions in terms of contention, fragmented political institutions, and the governments' legitimacy. The indicators in Fig. 1 reflect how conditions have worsened since the collapse of the regime in 2011, the beginning of the political fragmentation in 2012, and the civil war in 2014. Also, all of these indicators explain why localism has been the focus for Libyan

⁶⁵ That marginalisation came as an outcome of a lack of support for Qaddafi by Tabu against Chad in 1970s. Qaddafi's promises for this tribe to give them the privilege of Libyan citizenship and other benefits did not go through. Additionally, Qaddafi worked on his policy of Arabization of south Libya as a retaliation against that tribe (Mark Shaw and Tuesday Reitano, "The Political Economy of Trafficking and Trade in the Sahara: Instability and Opportunities," *World Bank*, December 2014, <https://globalinitiative.net/wp-content/uploads/2014/12/Shaw-Reitano—The-Political-Economy-of-Trafficking-and-Trade-in-the-Sahara-December-2014.pdf>).

⁶⁶ Ibid.

⁶⁷ Perroux, 200–224.

⁶⁸ France, the UK, and the US engaged directly in ousting Qaddafi's regime in order to prevent weakening the revolution (Winer).

⁶⁹ The indicators in Fig. 1 were collected from Fragile State Indicator by the Fund for Peace project. The four indicators—ranged from "0" the best to "10"—were selected to explain how Libya's fragility has looked like since 2011. Those indicators are the threat to the state by none state actors, competition among the elites, how the public feel towards the governments' legitimacy, and the role of governments in providing services.

communities as an alternative to the weak national governments. Consequently, the absence of the state has forced most Libyans to look for another power—i.e., militias and tribes—that can provide resources and security.⁷⁰

Such new domestic conditions can result in the establishment of independent or tribe-based militias, especially given that these conditions interacted with the inherited tribalism in Libyan society. In this scenario, the normal intuition is that the tribal-rebellions would increase and result in spreading rebellion almost everywhere, especially at the local level. Contrary to the definition of Cunningham and Loyle,⁷¹ a rebellion does not have to challenge the established government in controlling a portion of the state's territory. Political fragility decreases the presence of governments and creates a situation of competition among local communities. Also, Boduszynski and Fabbe contend that “Militias in Libya offer young men power, prestige, and money exceeding anything that the official state can provide. Why would a vendor or a mechanic return to

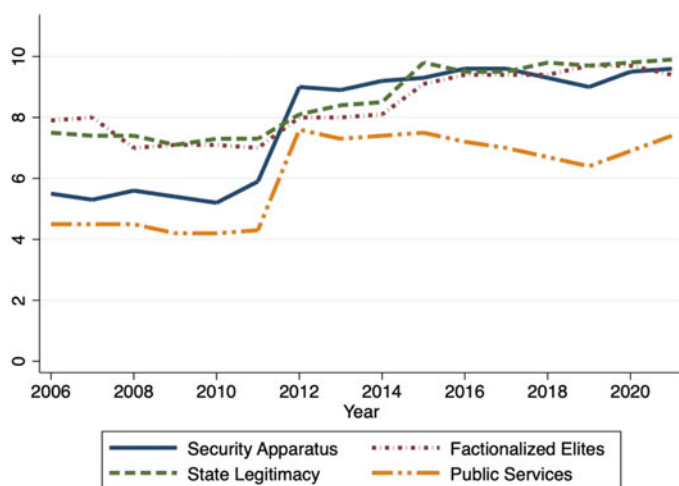


Fig. 1 Libya's fragility (2006–2021) (Source The fragile state index [as of December 2021])

⁷⁰ Author's interview with Yaseen Khattab, Libyan Political Analyst, 28 December 2021.

⁷¹ Cunningham and Loyle.

his prewar job if he can make more money and garner more respect as a militia member?.”⁷² Thus, these benefits made it easier for almost any armed group to recruit community members,⁷³ especially given the weak economy.⁷⁴

Finally, when the Qaddafi regime collapsed, revolutionaries gained heroic status and were seldom criticised, resulting in huge benefits.⁷⁵ With the increasing supply of resources, most of the (independent) militias recruited members and organised their operations in large cities—e.g., Tripoli and Benghazi—more than in tribe-based communities, such as Ajdabiya and Kufra.⁷⁶ As a result, the power and benefits for some people outweighed loyalty to their tribes. Consequently, tribal leaders felt that they had lost their power because of the revolution in which fighters no longer listened to them due to the power and resource the new fighters gained, especially between 2011 and 2014,⁷⁷ until tribes started to be part of the civil war.⁷⁸

Competing on Power and Resources

In countries with weak governments, like Libya, armed groups are sometimes based in their communities. Lacher contends that territorial control and social ties sometimes bring people together to form armed groups, but this requires the loyalty of community members.⁷⁹ In Libya, the conditions of post-2011 have placed many territories under

⁷² Mieczyslaw Boduszynski and Kristin Fabbe, “What Libya’s Militia Problem Means for the Middle East, and the US,” *Los Angeles Times*, 23 September 23.

⁷³ Jentzsch et al., “Militias in Civil Wars.”

⁷⁴ DeRouen.

⁷⁵ El Kamouni-Janssen, Shadeedi, and Ezzeddine.

⁷⁶ Wolfram Lacher. “Libya: Getting Serious About Negotiations: How a New Political Process Could Help Tackle Security Challenges,” Social Science Open Access Repository, October 2018, https://www.ssoar.info/ssoar/bitstream/handle/document/60101/ssoar-2018-lacher-Libya_getting_serious_about_negotiations.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2018-lacher-Libya_getting_serious_about_negotiations.pdf.

⁷⁷ Author’s interview with Libyan writer Nazar al-Firtas.

⁷⁸ Author’s interview with Libyan political analyst Yaseen Khattab.

⁷⁹ Lacher.

the complete direct control of armed groups.⁸⁰ Furthermore, the low capacity of governments forced most of the Libyans to seek security from their local communities through families and tribes.⁸¹ Also, rewarding the militants who fought Qaddafi⁸² and profitable illegal activities have supported the growing number of local-based armed groups.⁸³ These conditions made local armed groups legitimate, as they were able to provide services for their communities.⁸⁴

Under such conditions, it could be possible to see two patterns regarding power and resources: self-sufficiency and inter-community competition. First, since Qaddafi was able to use revenues to reward his allies and punish the competitors, it was difficult for disloyal groups to survive, and thus smuggling became one of the greatest sources of income. Such illicit economy helped the regime to establish self-sufficient communities,⁸⁵ but depended on the geographic location of the tribes. For example, the nature of Tuareg's region on the borders allowed the tribe to smuggle arms, drugs, or migrants as a source of income.⁸⁶ Similarly, in northwest Libya, tribes control the points of departure of migrants towards Europe.⁸⁷

Since 2011, the formation of armed groups and engagement in illicit activities have increased competition among militias and generated conflicts.⁸⁸ In most areas, the scarcity of jobs made smuggling the best—and maybe—the only opportunity for employment, especially for

⁸⁰ Perroux.

⁸¹ Fraihat.

⁸² Reitano and Shaw.

⁸³ Frederic Wehrey and Ariel Ahram, "Taming the Militias: Building National Guards in Fractured Arab States," Carnegie Endowment for International Peace, 7 May 2015, <https://carnegieendowment.org/2015/05/07/taming-militias-building-national-guards-in-fractured-arab-states-pub-60005>.

⁸⁴ Al-Shadeedi and Ezzeddine.

⁸⁵ Mark Micallef and Tuesday Reitano, "The Anti-human Smuggling Business and Libya's Political End Game," Institute for Security Studies, December 2017, https://globalinitiative.net/wp-content/uploads/2018/01/Libya_ISS_Smuggling.pdf.

⁸⁶ Shaw and Reitano.

⁸⁷ Author's interview with Libyan journalist Ismail al-Qeretly.

⁸⁸ Fraihat.

young people.⁸⁹ Those conditions in turn allowed militias in Libya to have more military capabilities and members than did the formal governmental forces,⁹⁰ especially when the recruited members refused to put down their weapons because of their affiliation to the militias gave them power, legitimacy, and money.⁹¹

Knowing the locations of tribes can help to understand their self-sufficiency. Most border areas are naturally under tribal control. For example, Amazigh has full control of Zwar in the northwest, which is close to the borders of Tunisia.⁹² The situation is similar along the southern borders with Sudan and Chad where Tabu and Zway control cross-border smuggling and trade. However, when more than one tribe controls the same border entry, the possibility of dispute increases.⁹³ The southern part of the country has a mix of different tribes and ethnic groups. Each of those groups controls a small town through which a smuggling route goes. For example, Sebha is a traditional city of smuggling in the southwest and is controlled by Arab traders, while the southeast part is controlled by the Tabu and Zwaye.⁹⁴

Another illicit activity is the taxation of smuggling and kidnapping for ransoms, especially in coastal cities and along smuggling routes.⁹⁵ Such activities generate huge revenues. For example, the revenues of smuggling drugs, arms, and counterfeit products by trans-Sahara through Libya are about \$43–8 million per year, while smuggling migrants amounts to some \$255–323 million per year.⁹⁶ As a result, the power of armed

⁸⁹ Fransje Molenaar, "Conflict-Sensitive and Humane Migration Management in the Sahel," *Netherland Institute of International Relations*, December 2018, https://www.clingendael.org/sites/default/files/2018-12/PB_Conflict-sensitive_and_humane_migration_management_in_the_Sahel.pdf.

⁹⁰ Pinar Bilgin, *Regional Security in the Middle East: A Critical Perspective* (London: Routledge, 2019).

⁹¹ Perroux.

⁹² Author's interview with Libyan journalist Ismail al-Qerety.

⁹³ Ibid.

⁹⁴ Shaw and Reitano, "The Political Economy of Trafficking and Trade in the Sahara: Instability and Opportunities."

⁹⁵ Reitano and Sha, "Libya: The Politics of Power, Protection, Identity and Illicit Trade."

⁹⁶ "Libya: A Growing Hub for Criminal Economies and Terrorist Financing in the Trans-Sahara," *GITOC Policy Brief*, 11 May 2015, https://globalinitiative.net/wp-content/uploads/2015/05/TGIATOC-Libya_-a-growing-hub-for-Criminal-Economies-and-Terrorist-Financing-in-the-Trans-Sahara-web.pdf.

groups who control these enterprises increases over time, which makes it difficult for the weak Libyan government to challenge such groups and achieve the goal of the European Union and Italy to control migration from Libya.

Second, the legitimacy of militias is crucially important because it increases cooperation of local populations, yet it may result in inter-community competitions.⁹⁷ Thus, certain tribes choose to control certain sources of income, such as state-owned corporations. The struggle for control has led many tribes to fight each other. For example, tribes in cities, such as Kufra, Rigdalian, Sabha, and Zuwara, established their own armed groups.⁹⁸ That is, competition over resources and local service provision has forced tribes and their armed groups to increase their power to maintain control in the face of competitors. Consequently, the cohesiveness in those communities left no other task for the armed groups but to provide public goods. Also, some tribes used their own militias to try to secure resources depending on what was available.

This pattern led the local communities to fight for resources and power, which resulted in widespread competition, especially in large cities,⁹⁹ which was not possible without establishing local militias. As a result, inter-community and inter-militia conflicts became almost inevitable. For instance, in southeast Libya, the Tebu tribe engaged in a military confrontation with some Arab tribes in al-Zawy, as the Tebu was claiming back control of its region.¹⁰⁰ In addition, some local or subnational powers seized the opportunity of a weak central authority and worked to establish control over national infrastructure, such as oil wells, and to make the concept of legitimacy be more local than national.¹⁰¹

The post-2011 era offered a good environment for competition among Libyan tribes and militias. As Fig. 2 shows, there are six types of rivalries, as described by the Armed Nonstate Actor Rivalry Dataset (ANARD).¹⁰²

⁹⁷ Micallef and Reitano.

⁹⁸ Lacher, *Libya's Fragmentation: Structure and Process in Violent Conflict*.

⁹⁹ Lacher, "Libya: Getting Serious About Negotiations: How a New Political Process Could Help Tackle Security Challenges."

¹⁰⁰ Al-Shadeedi and Ezzeddine.

¹⁰¹ Laessing.

¹⁰² More information about this dataset can be found at <https://stephenrpowell.wordpress.com>.

Between 2014 and 2018, the most frequent types of rivalries had been the *Interventionist Rivalry* “when NSAs [nonstate actors] directly intervene in competitions between groups supporting the hegemonic faction or its competitor,” such as Misrata Brigades-Zintan Brigades, and *Special Rivalry* “in which control of territory is contested,” such as Tabu Ethnic Militia and Awlad Suleiman militias. The increase in those two types can be attributed to the growing number of armed groups’ and tribes’ attempts to restore their leading positions, especially after 2014.¹⁰³ Although both types of rivalry above were important, Spatial Rivalry had been clearly the most prevalent between 2014 and 2018, implying that territories are significant for contested groups, as discussed above, especially for tribes because some territories are related to the tribes’ identity and history.

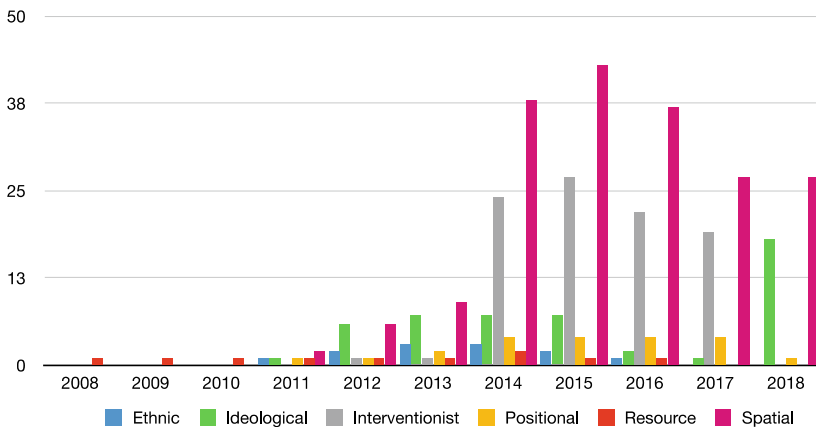


Fig. 2 Frequency of rivalries among the Libyan non-state actors (2008–2018) (Source The Armed Nonstate Actor Rivalry Dataset [as of January 2022])

¹⁰³ Author’s interview with Libyan journalist Ismail al-Qeretly.

Impact of Cohesiveness, Geography, and Politics on Tribal–Rebellion Relationships

This chapter seeks to explore the nature of relationships between tribes and rebel groups in Libya after 2011. As mentioned above, post-2011 conditions encouraged communities, revolutionaries, and tribes to establish their own armed groups because of the lack of a central and strong government. As a result, a pattern has emerged to govern these relationships. According to Cunningham and Loyle's definition of rebel governance,¹⁰⁴ controlling (local) territories was one of the significant factors of competition (see Fig. 2). However, contrary to their definition, most of those groups did not have conflicts with formal governmental forces, nor was there a tribe or an armed group claiming a large portion of Libya's territory. This chapter contends that some long-term factors can determine the nature of those interactions, such as *communal cohesiveness*, *geographic location*, and *power of the political actor*. *Communal cohesiveness* means whether the tribe has control over its members—i.e., inhabits in a big city—or whether its members show a high level of loyalty to their tribe, which is the norm in villages or small cities.¹⁰⁵ As mentioned above, this cohesiveness explains much of why some tribes were able to establish their own militias while others could not.

Thus, low communal cohesiveness in big cities, such as Tripoli, weakens most tribes' abilities to establish their own militias.¹⁰⁶ As a result, the conventional hierarchical system of the tribes is affected by the level of urbanisation and size of the city. Usually, tribes in east Libya have more control over their members than the Western part due to their lineage.¹⁰⁷ For example, the Obaidat tribe in east Libya has natural roots in that area, so it controls the geographic area without the need to force people to follow.¹⁰⁸ Such cohesiveness produces tribal armed groups that fight for their communities' interests. For example, Bani

¹⁰⁴ Cunningham and Loyle.

¹⁰⁵ Author's interview with Libyan writer Nazar al-Firtas; Author's interview with Libyan political analyst Yaseen Khattab.

¹⁰⁶ Author's interview with Libyan writer Nazar al-Firtas.

¹⁰⁷ Author's interview with Libyan political analyst Yaseen Khattab.

¹⁰⁸ Ibid.

Waleed, Warfalla, and Zintan are tribal militias, which sometimes have armed conflicts with other armed groups over territories and resources.¹⁰⁹ It was difficult even for the tribes that allied against Qaddafi's forces to avoid armed conflict over resources. The Misrata and Zintan tribes, for instance, allied to topple Qaddafi's regime, yet ultimately competed over controlling vital infrastructure, such as the capital's airport, resulting in a massive military confrontation in 2014.¹¹⁰

Furthermore, ethnicity can be another factor in recruiting members in a geographic area, especially when there is a threat or grievance. In this situation, an ethnic group can call its members to defend its interests. For example, Tabu, Tuareg, and Amazigh are minority ethnic groups in Libya whose leaders may mobilise their members to encounter a threat from other groups or to control resources.¹¹¹ Thus, Tripoli and other big cities have become informal centres of power because of the nature of competition among those groups and other independent militias.¹¹²

The *geographic location* is also expected to affect the behaviour of tribes. That is, when a tribe is geographically close to the capital, for example, it might be interested in being a political actor or an agent for such an actor. Thus, the closer the tribes are to large urban centres, the more they have an impact on the political process, such as tribes in Misrata that have many representatives in the government of Tripoli.¹¹³ However, such competition for power may grow geographically and include more cities, a situation which might result when armed groups look to increase their authority by including new allies depending on the nature of the competition—e.g., the civil war of 2014.¹¹⁴ In contrast, being in remote areas could mean that groups expect no government control or provision of services. As a result, it becomes necessary for local leaders to establish community-based militias. This situation applies to

¹⁰⁹ Author's interview with Libyan writer Nazar al-Firtas.

¹¹⁰ Krasner.

¹¹¹ Author's interview with Libyan writer Nazar al-Firtas.

¹¹² Collombier et al.

¹¹³ Interview 1.

¹¹⁴ Alaa Al-Idrissi and Wolfram Lacher, "Capital of Militias, Tripoli's Armed Groups Capture the Libyan State," *Small Arms Survey*, June 2018, <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-SANA-BP-Tripoli-armed-groups.pdf>.

		Government	
		Weak	Strong
Tribes' power/location	Weak/remote	Isolation	Periphery
	Strong/adjacent	Forced Power-sharing (Tripoli)	Power-sharing (Haftar)

Fig. 3 Typology of tribes' engagement in politics

almost every small and remote community in Libya. Consequently, local competitions for resources may also increase depending on the growth of the number of militias (see Fig. 3).

Finally, the *power of the political actor* can also change the pattern of interactions between the tribes and the rebels. Those roles are conditioned by two factors, as shown in Fig. 3. The first factor is how powerful or weak the political actor is. In this regard, Haftar, as a political actor, was more powerful and had more control over east Libya than the UN-backed government in the west. He was also aiming to increase his territorial control, so tended to be the initiator of military operations inside the country. Between 2014 and 2018, Haftar's rivalries had composed about 27% of the total number in Libya during the same time (ANARD), which can be an indicator of how much military capability and how many fighters he had. However, the government of Tripoli was defensive most of the time. When a threat from another armed group, even from Haftar, emerged, local militias defended Tripoli. The second factor is about the geographic location and the power of the tribe. The rationale here is that being geographically close to the stronghold of a political actor may force the tribe to engage in politics in some way. Again, that engagement depends on the strength of the political actor.

Many facts can be discussed here. In west Libya, the powerful militias (those which were geographically close to Tripoli) were able to influence the weak government and share its power, yet tribes in the east had to choose either to be neutral and lose some benefits offered by Haftar or to join that political actor and share power. For instance, Haftar requested support from the leader of a tribe in Tobruk in northeast

Libya, the Taib Alsherif.¹¹⁵ In return, Haftar transferred some powers to his allies, so they were influential in their local communities by, for instance, appointing mayors.¹¹⁶ As a result, allying with such a powerful actor can be an incentive for the tribal leaders to establish local militias by recruiting their tribesmen in order to maximise their benefits—i.e., the more powerful the tribal militia, the more support it can offer to the political actor, and the more privilege the tribal leader may have. Nonetheless, the UN-backed government usually assigns military operations to the powerful armed groups that control west Libya, which has given them easy political influence through appointing officials, controlling funds, and directing the private sector.¹¹⁷

However, the ideologically independent rebel groups are an exception—i.e., jihadist groups. They usually do not seek partial benefits from a political actor, as do tribal leaders and independent militias. In fact, they aim to increase their territorial control without having to share benefits with others. Since 2014, Haftar has focused on increasing his control over the country. As a result, most of his military operations were against the jihadist groups, such as in Benghazi and Derna (ANARD).

Finally, not all tribes in Libya actively seek benefits from a political actor. That is, some tribes may choose to keep their independence, which might result in either peripheralisation (where the tribe is geographically close to a powerful political actor, but it is not an ally or enemy—e.g., tribes in Tobruk) or isolation (where the tribe is strong enough to manage its region and no powerful political actor is around—e.g., the Tabu tribe in south Libya) (see Fig. 4). In relation to the first situation, Lacher discusses how tribes in Tobruk in the northeast did not experience tensions or military confrontations between tribes of the type that emerged in south and west Libya.¹¹⁸ To him, the city was not affected by the divisions of the post-revolution era, and tribal identities were not politicised. Additionally, Qaddafi's army destroyed most weapons before the regime collapsed, which lessened the likelihood of

¹¹⁵ Author's interview with Libyan writer Nazar al-Firtas.

¹¹⁶ Karim Mezran. "Unsustainable Instability in Libya," *Istituto Affari Internazionali*, 3 June 2018, <https://www.iai.it/sites/default/files/iaicom1813.pdf>.

¹¹⁷ El Kamouni-Janssen, Shadeedi, and Ezzeddine.

¹¹⁸ Lacher.

weaponising the community. Second, the peripheral regions, which are isolated from the political process in Tripoli, have mainly become self-sufficient by focusing on illicit economic activities. This situation created long-term rivalries with other communities and opportunities to increase revenues from such activities.¹¹⁹

The second situation mostly applies to south Libya. This region does not have strategic significance or major economic value or resources, such as oil. As a result, political actors there are usually not interested in expanding their control over that region, which gives tribes the freedom to compete and build their own tribal militias. This situation leads them



Fig. 4 Map of major cities in Libya

¹¹⁹ Shaw and Reitano, "The Political Economy of Trafficking and Trade in the Sahara: Instability and Opportunities."

to become isolated from political influence. Geographically, this region has a mix of different tribes and ethnic groups, i.e., Arabs and non-Arabs. Each of these groups controls a small town through which a smuggling route of smuggling goes. For example, Sebha is a traditional city of smuggling in the southwest and is controlled by Arab traders, while the southeast part is controlled by the Tabu and Zwaye.¹²⁰ Such activities spurred competition among tribes or with the government, in turn, forcing them to establish their own tribal militias to maintain revenue from their illicit activities.¹²¹

Conclusion

This chapter analysed the relationships between tribes and rebels in Libya after the collapse of Qaddafi's regime in 2011. Since then, the country has faced political fragmentation among Libyan political players, a lack of service provision by the consecutive governments, and general weakness of national governments. Those conditions have encouraged tribes to try to safeguard their communities by providing services, resources, and achieving autonomy. In addition, taking advantage of fighting against Qaddafi's regime in 2011, the government started to provide weapons and money as a reward for rebels. After that, however, another phase of rebellion emerged, in which independent and tribal militias have developed. Since the definitions of rebel organisations and rebel governance refer to controlling territories, recruiting members, and regulating civilians' issues,¹²² it has become difficult to differentiate between tribes and rebels in Libya since 2011. That is, because of the fragile and weak governments, tribes have started adopting the model of rebel governance.

Nonetheless, the establishment of independent or tribal rebel groups is conditioned by factors of *communal cohesiveness*, *geographic location*, and *power of the political actor*. Tribes are more centralised in small cities

¹²⁰ Ibid.

¹²¹ Fraihat.

¹²² Arjona, *Rebelocracy*; Arjona et al., *Rebel governance in Civil War*, 24; Cunningham and Loyle; Jentsch et al.; Weinstein.

rather than the big ones. As a result, small communities have established tribal armed groups to provide security and resources for their communities. However, independent rebel groups were established in big cities, such as Tripoli and Benghazi, due to the lack of a centralised social order. Additionally, the tribes' geographic location of being proximate to large cities sometimes provides incentives for independent and tribal militias to engage in politics to maximise their benefits. For example, tribes in Misrata worked to have representatives in the government of Tripoli to enhance their political influence and be able to share power in the capital. Additionally, tribes in remote areas far from large cities have provided the opportunity to establish their own armed groups in semi-autonomous territories, especially in southern Libya. The Tabu and Tuareg tribes, for instance, have substantial control over that part of the country, which in turn offers them the freedom to smuggle and increase their revenues. Finally, the power of political actors is another factor in determining the relationship between tribes and rebel groups. When the political actor is strong, such as Haftar in eastern Libya, surrounding tribes may join his coalition for the purposes of sharing power and increasing access to resources. However, a weak political actor—i.e., in Tripoli—might be proffered by the proximate tribes and independent armed groups, so they can claim more power and resources to protect this actor from other competitors, such as Haftar.

It is noteworthy that these domestic conditions are the result of an interaction between inherited tribalism and new developments after 2011. However, external conditions have also contributed to the internal situation. For example, the interests of some neighbours many need to be included in the future to explain why tribal and independent militias emerged. For example, Haftar's power also comes from the support of the United Arab Emirates, Egypt, France, and Russia, while the government of Tripoli gets support from Italy, Qatar, and Turkey. Thus, many independent militias in Tripoli and tribes in the south have gained their legitimacy through smuggling. Furthermore, Libya as a historical point of departure has become more and more important as a point from which Africans can migrate and for the European Union to control smuggling. Such expected revenues from smuggling and anti-smuggling

have affected the trajectories of some local militias. Those external conditions can be added to domestic developments as another dimension of rebel governance in Libya after 2011.

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Not Rebel Governance? Hamas's Rule

Basem Ezbidi

Introduction

In 1988, it seemed unimaginable that within 20 years Hamas would become a decisive force in the Palestinian political scene, whether through its actions or via self-restraint. Since its foundation, Hamas has made prodigious strides, overcome many challenges, and left a lasting effect on the Palestinian movement itself, the Palestinian political system, and the dynamics of Palestinian resistance to the Israeli occupation. Simultaneously, numerous questions have arisen, including whether Hamas will be able to reconcile politics with ideology and regarding the movement's views on important issues, such as democracy, the Oslo

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peace process, the status of Palestinian women, and national reconstruction.¹ Thirty-one years after the movement's inception, these and other questions still remain to be answered. The ambiguity of Hamas's position has allowed for varying interpretations of the movement's intentions and impacts, which makes an assessment difficult and has influenced the engagement of foreign actors with the group—to the detriment of Hamas's international recognition and standing, even though the movement has become an unbeatable force in Palestinian politics.

The difficulty of providing clear answers to many of these questions lies in the multiplicity of internal and external factors that influence Hamas's political and ideological outlook and the ambiguity of these questions and their underlying assumptions. Initially, we must ask whether Hamas is indeed a rebel group and determine how we should characterise its experience in governance and how governance has impacted the movement's thinking, structures, and overall conduct. These questions are important, yet difficult to answer, especially when tackled through the lens of “rebel governance” that investigates what factors determine the conduct of rebel groups upon seizing power in civil wars.² This line of analysis is premised on the assumption that, while the reasons that rebel groups fight and bring down governments and regimes are known, the nature of rebels' rule and how they “govern” after seizing power remains subject to varying interpretations, with assessments weighing the levels of rebel movements' self-enrichment versus developmental considerations and practical versus ideological motivators.

Taking Hamas as an illustrative example to answer these questions, the guiding hypothesis in this chapter is that Hamas pursues governance and resistance (whether through political means or as armed struggle) as

¹ In 1999, these questions were addressed (in Arabic) when the Center for Palestine Research and Studies (CPRS) in Nablus commissioned four Islamists to write on a number of important issues. See also Jamal Mansur, *Palestinian Democratic Transformation: The Islamic Perspective*; Naser Al-Din Alsha'ir, *The Palestinian-Israeli Peace Process: The Islamic Perspective*; Maha Abd Al-Hadi, *Women in Palestine: The Islamic Perspective*; Khaled Al-Hindi, *The Palestinian National Reconstruction Process: The Islamic Perspective*. What surprised many readers was that these authors expressed the courage to address these topics openly and with a reflective rather than rigid understanding.

² See Ana Arjona, Nelson Kasfir, and Zachariah Mampilly, eds. *Rebel Governance in Civil War* (Cambridge: Cambridge University Press, 2015).

simultaneous goals, with governance serving to enhance resistance, just as resistance is used to strengthen governance. In other words, governance and resistance are both means and ends at the same time. Had Hamas not been in control of the Gaza Strip since 2007, it would not have been able to consolidate its military capabilities through the Izz ad-Din al-Qassam Brigades. Equally, if Hamas had not possessed military capabilities, it would not have been able to safeguard its rule in Gaza and strengthen its political standing among Palestinians. As resistance and governance are both tools that aim to strengthen Hamas's power, they must be appraised in connection with one another rather than independently. Furthermore, the assumption here is that, in the context of the ongoing occupation by a foreign entity, the term "resistant" better suits Hamas than the term "rebel" that is generally applied to groups involved in civil wars. Moreover, this chapter claims that Hamas's engagement in governance is not surely a sign of flexibility and moderation, exactly as the expansion of its military capabilities is not necessarily a sign of extremism. Hamas's calculus in this matter differs from that of other groups, and its conduct and decisions in this regard are not arbitrarily determined but based on rational calculations. Characteristics of Hamas that other parties, such as Israel and Western countries or even Fatah, perceive as extremism (or moderation), the movement itself considers as a necessity dictated by a changing reality, rather than as legitimate or illegitimate action. "Extreme" (or "moderate") behaviour is given meaning by the extent to which it serves Hamas's consolidation of power and allows the movement to obtain recognition and be acknowledged as a relevant political player who should be incorporated into Palestinian political life.

This chapter's main body consists of three sections. The first sketches out the broad contours of the debate over both "governance" and "rebel governance" and shows its limited benefit for understanding Hamas's conduct. The second section shows how Hamas has reconciled governance and resistance through discussing how it battles Fatah, encounters Salafi groups, suppresses dissent, restructures the judiciary, encounters the "moral decay" of society, runs the distressed public service system, and is perceived by the public. The third section shows that debating Hamas's radicalism or moderation is of limited value in efforts to understand its perspective on governance.

Governance and Rebel Governance

The Oxford Handbook of Governance, a collection of articles edited by David Levi-Faur, provides a useful genealogy of the term governance, tracing the concept back to the Greek *kybernain* (to pilot, steer, or direct) that was translated into Latin as *gubernare*. While the concept of governance has occupied philosophers throughout history, it was marginal to the production of knowledge in the social sciences and humanities in the mid-twentieth century. The modest work that was done on this topic concentrated mainly on higher education and urban governance.³ Thus, there is currently little agreement on what constitutes high-quality government, as Fukuyama asserts that much of the problem is conceptual.⁴ Two lines of investigation delve into this concept, focusing on its analytical or conceptual and its practical aspects.⁵ The first examines governance under a multidisciplinary research agenda on (dis)order, efficiency, and legitimacy in the context of the hybridisation of modes of control that allow the production of a fragmented and multidimensional order within a state, by a state, without a state, and beyond a state.⁶

The term governance, sparsely used and nearly unintelligible four decades ago, has become a pivotal term not only in the study of political, economic, spatial, and social systems in general, but also in comprehending the dynamics of change in capitalist democracies in particular.⁷ As a practical matter, governance broadly denotes a set of processes and procedures used to steer a government, market, network, ruling family, tribe, or formal or informal organisation; it can be implemented through language, laws, norms, or power. Governance encompasses the systems and mechanisms by which a given group is managed and held accountable, and it includes elements such as ethics, risk management,

³ David Levi-Faur, ed. *The Oxford Handbook of Governance* (Oxford: Oxford University Press, 2012).

⁴ Francis Fukuyama, "What Is Governance?" Center for Global Development Working Paper 314, January 2013, https://www.cgdev.org/sites/default/files/1426906_file_Fukuyama_What_Is_Governance.pdf.

⁵ Björn Brenner, *Gaza Under Hamas: From Islamic Democracy to Islamist Governance* (London: IB Tauris, 2017): 171–200.

⁶ Levi-Faur: 28.

⁷ Ibid.: 28–42.

compliance, and administration. Fukuyama defines governance as “the ability to make and enforce rules, and to deliver services, regardless of whether the governing group is democratic or not,” excluding democratic accountability from the definition to theorise the relationship between governance and democracy.⁸

Governance differs from government and politics in the sense that a government includes the state and its institutions, as well as the processes by which people arrive at decisions that are then converted into common policies, whereas governance focuses on practices and activities that downscale the relevance of politics—but only to benefit another form of politics.⁹ Thus, governance is always a brand of politics, even when it is presented as its restraining mechanism.

So-called “insurgents’ governance” entails a variety of governance activities. Mampilly refers to the development of institutions and to practices implemented by an armed group to regulate the social and political life of civilians.¹⁰ Arjona, Kasfir, and Mampilly include engagement, such as providing security from the violence that is perpetrated by a government, its allies, or rival militias; maintaining order, organising public life, and running the judiciary; meeting the educational and health-care-related needs of the population, including establishing a system of food production and distribution; allocating land and other resources to provide opportunities for civilians to engage in their regular livelihood activities (agriculture, small businesses, etc.); providing shelter to civilian populations, including those displaced by fighting; regulating market transactions; resolving civil disputes; and addressing other social problems, such as theft, drug use, and prostitution, which commonly accompany situations of internal war. Insurgents also value symbolic actions that complement other ruling practices and structures and sometimes are involved in profit-generating activities or commercial pursuits.¹¹ Rebel governance generally takes place in civil wars between

⁸ Fukuyama: 3.

⁹ See Mark Bevir, *Governance: A Very Short Introduction* (Oxford, UK: Oxford University Press, 2012).

¹⁰ Zachariah Mampilly, *Rebel Rulers: Insurgent Governance and Civilian Life During War* (Ithaca, NY: Cornell University Press, 2011).

¹¹ Mampilly, *Rebel Rulers*: 4.

recognised sovereign states and opposing armed groups.¹² Although rebel groups justify their agendas by religious or historical claims or through economics, political power is always part of the scheme. And while, by definition, rebels break the laws of the state, they differ from gangsters who violate the rules solely for profit or revenge.¹³

While rebel behaviour can be guided by the desire for coercion and material incentives, it can also be explained by ideology or cultural values, beliefs, and convictions.¹⁴ Rebel governance may provide goods and services that improve both civilians' lives and the rebels' image in the eyes of their constituencies (the civilians). But as they expand their governance capacity, rebels may also threaten existing authority structures or turn civilians against the rebellion. Rebel governance can, therefore, be a crucial factor in shaping the relationship between civilians and insurgents. In fact, rebel groups may find civilians to be a blessing when they serve as a source for food, supplies, information, and recruits, and insurgents who develop effective and legitimate governance systems can acquire rewards. But civilians can also become a curse when they side or sympathise with the ousted regime in case the rebels fail to improve the situation and are accused of treason.¹⁵ These and other issues provide opportunities for deeper analyses of rebel governance and research on important aspects such as comparative governance, the patterns of the rebel groups, their visions, and the challenges they face, as well as the ways in which the practices of states or conventional regimes differ from the groups that are described as non-state actors or rebels.¹⁶

¹² Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006; online version 2012), <https://doi.org/10.1017/CBO9780511818462>.

¹³ Ana Arjona, Nelson Kasfir, and Zachariah Mampilly, eds., *Rebel Governance in Civil War* (Cambridge: Cambridge University Press, 2015): 2.

¹⁴ Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (Cambridge: Cambridge University Press, 2006; online version 2012), <https://doi.org/10.1017/CBO9780511808654>; Donna J. Wood, "Measuring Corporate Social Performance: A Review," *International Journal of Management Reviews* 12, no. 1 (2010): 50–84.

¹⁵ Arjona et al., *Rebel Governance*: 3.

¹⁶ Thomas Risse, ed. *Governance Without a State? Policies and Politics in Areas of Limited Statehood* (New York: Columbia University Press, 2011).

What Does “Governance” Mean in the Case of Hamas?

An investigation of governance in Palestine, whether practised by Hamas or any other group, must clarify two important issues. First, we must consider the nature of the conflict in Palestine and of the various involved groups (including Hamas), determine whether these groups can be described as “rebels,” and examine how they perceive and practice governance. Some parties see the root of the conflict in the occupation that began in 1967; others consider it an extenuation of a repressive colonial order and/or a condition of apartheid whose roots extend back beyond the 1948 Nakba; others deem the conflict a case of civil war, and some view it a condition of tension inherently associated with a fragile state. Accordingly, one-state or two-state propositions are offered as a solution to the conflict. The varying characterisations of the conflict's nature indicate also that actors disagree over the meaning of governance.

In conflict-ridden areas such as Palestine, governance cannot be neutral because it is expected to serve the people, address their grievances, and tackle existing vertical and horizontal inequalities. Vertical inequality entails disparities in income and access to resources and services among Palestinians (or Israelis),¹⁷ whereas horizontal inequality involves differences between Israelis and Palestinians that exist across three aspects: economically, as Israel is a modern and growing economy while the West Bank and the Gaza Strip's previously largely agrarian, traditional economy has suffered de-development under the Israeli military occupation. In 2020, the per-capita GDP in Israel was over \$44,181, while in the West Bank and the Gaza Strip it amounted to no more than \$3051.¹⁸ Politically, as Israelis have their own state while Palestinians lack control over their borders, airspace, population registry, or security. Socially, as Israelis are free to move both internally and externally and enjoy broad social rights that are denied to Palestinians.

¹⁷ Frances Stewart and Valpy Fitzgerald, eds., *War and Underdevelopment, Volume 2: Country Experiences* (Oxford University Press, 2001): 8.

¹⁸ “Country comparison Israel vs State of Palestine,” 2022, <https://countryeconomy.com/countries/compare/israel/palestine?sc=XE34>.

We must also look closely at the tension between Hamas's perspective on governance and the prevailing governance frameworks that tend to be associated with sovereign states or with rebel movements. Generally, governance is inseparable from a state's autonomy, whether the system is "despotic" or of "infrastructural forms," as Michael Mann suggests, with the implication that a state is capable of providing a territorially centralised form of organisation.¹⁹ Hamas, however, is not positioned to provide territorial control. Moreover, when attempting to compare Hamas's perspective on governance to what the literature describes as "rebel governance," we must consider that the governance framework associated with insurgent groups in civil wars is of little value in understanding the movement because it does not seek to overthrow an existing sovereign government,²⁰ and the conflict with Israel is not a civil war. Thus, Hamas's governance fits neither the state nor the rebel framework because Hamas is essentially a resistance movement with a multi-layered strategy of struggle against the Israeli coloniser. Attempts to understand Hamas's brand of governance must consider the specificity of the circumstances affecting Hamas in particular and Palestine in general, as they are fundamentally different from other places.

If Hamas is to be labelled, this label should mirror the movement's composition and its history as an Islamist resistance group fighting the Israeli occupation. Tags, such as rebel, insurgent, or combatant, used in civil war literature, neither depict what Hamas stands for nor lead to a credible understanding of the condition of Palestine, including its governance. Regarding Hamas in particular, governance or any related issue cannot be discussed without paying sufficient attention to its ideology that—while not devoid of utopian assertions, as all ideologies—can explain its collective conduct, including in the domain of governance. We must be aware that most ideologies are dogmatic in nature yet do not usually translate into similar practices, simply because they generally lose part of their lustre once they are applied. Thus, whereas ideology may not be the best yardstick for assessing the compatibility between Islamism

¹⁹ Michael Mann, "The Autonomous Power of the State: Its Origins, Mechanisms, and Results," *European Journal of Sociology* 25, no. 2 (1984): 185–213.

²⁰ Arjona et al., *Rebel Governance*.

and democracy—which is central to the understanding of Hamas's governance—we should adopt another, more practical criterion, namely the method of governance, including how opportunities are exploited and how public offices are held, as these can be more fairly evaluated.

Hamas's position on the relationship between Islamism and democracy (and governance) is not inconsistent with democratic principles yet has caused a controversial debate.²¹ Even though Hamas has been exposed to a general boycott and massive internal pressures since 2006, augmented by a siege since 2007 and frequent Israeli military attacks against Gaza, the movement has maintained its own version of democracy (*shura*, or consultation) and has generally respected democratic principles. It perceives democracy as coherent with its Islamic identity because Islam is understood as a belief system that cherishes the principles of justice and rights. Such views are frequently expressed by Hamas in public statements and through its government platform that entails respect of the people's will and reveals the type of governance to which Hamas subscribes and is willing to practice on the ground.

While some authors reflect this positive view that deems Hamas as flexible regarding democracy and capable of change like any other political movement, others consider the movement as fundamentalist in outlook, inherently violent, and incapable of change. Thus, the discussion of Hamas's governance will continue to be influenced by these two views of Hamas, which makes the task of assessing it particularly difficult and controversial.

²¹ Are Knudsen and Basem Ezbi, eds., *Popular Protest in the New Middle East: Islamism and Post-Islamist Politics* (London: I.B. Tauris, 2014); Bassam Tibi, "Islamism and Democracy: On the Compatibility of Institutional Islamism and the Political Culture of Democracy," *Totalitarian Movements and Political Religions* 10, no. 2 (2009): 135–164.

From a Grassroots Movement to Institutional Politics

Unlike charities and philanthropic associations, political groups seek to govern. This goal is pursued by all political movements and parties, regardless of whether they are small or large, religious or secular, right-wing, liberal, or leftists, and whether they declare it or not. Hamas is certainly no exception. It is a descendant of the Muslim Brotherhood, the oldest Islamic movement in the region that has pursued and practised power (partially) over the last three decades in several Arab countries, including Egypt, Jordan, Morocco, and Sudan.

In its early days as a grassroots movement during the 1970s and before it established itself as a party in 1988, Hamas participated in elections in universities, women's and labour unions and councils, chambers of commerce, municipalities, and other societal frameworks. Besides competing with secular Palestine Liberation Organisation (PLO) factions, Hamas also paid attention to the role of grassroots organisations in promoting civic values.²² The movement inherited its methods and structure from the Muslim Brotherhood (from which Hamas officially disconnected in 2017), engaging in social work, supporting charities and religious institutions, and building mosques.

The signing of the Oslo Accords (OA) and the establishment of the Palestinian Authority (PA) in 1993 were initially perceived by Hamas as acts of betrayal of Palestinian rights and as heretical acts (*haram*), contradicting Islamic teachings that require the faithful to defend Palestine as the *waqf* (holy trust). Amidst high hopes for the Palestinian territories and with the PA receiving international support and funds—amidst revived talk of Gaza's potential as the Singapore of the Middle East—Hamas felt pressured, fearing it would lose local popular standing. It continued to provide social support and advanced a political perspective that rejected the OA because the agreement failed to alleviate the power imbalance between Israel and Palestinians.

²² Sara Roy, *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector* (Princeton, NJ: Princeton University Press, 2011).

The movement never trusted Fatah and viewed it as a ruthless rival—except when the two forged temporary alliances during the intifadas.²³ In Hamas's view, Fatah made not only too many concessions to Israel but also even coordinated with Israel and the international community to harm Hamas.

Hamas rejected the new reality through various political and violent means. The second intifada that erupted in 2000 reinforced the movement's position, making it a political force that could no longer be ignored. Having boycotted the 1996 elections in opposition to the Oslo process, Hamas's participation in the 2004 municipal elections was thus an important milestone, highlighting the previous years' efforts and showing that the movement was a formidable political competitor in Palestinian politics. Hamas boycotted the 2005 presidential elections, won by Fatah candidate Mahmoud Abbas, but its gains in the municipal elections encouraged the movement to participate in the 2006 legislative elections. This indicated a political shift and necessitated ideological justifications, but allowed Hamas to win 74 of the PLC's 132 seats.²⁴ Itself surprised by the election results, Hamas immediately invited Fatah to form a unity government, but the latter refused quickly and forcefully. In response, Hamas formed its own government, and the Palestinian political landscape began to fragment.

While Hamas, mandated by the Palestinian people, was intent on ruling, Fatah and Mahmoud Abbas, supported by Israel and the international community, were determined to thwart the movement. While some Hamas representatives had been imprisoned by Israel during the election campaign—inadvertently strengthening their standing with the population—others were imprisoned immediately following the announcement of the results, and an international boycott was announced that soon made it impossible for the new government to pay salaries. The Hamas government ruled from March 2006 until

²³ Jonathan Schanzer, *Hamas vs. Fatah: The Struggle for Palestine* (New York: Palgrave Macmillan, 2008).

²⁴ Hamas won 65 per cent of the votes in the first round in Gaza and 35 per cent in the West Bank, and between 26–36 per cent in the subsequent turns; see Central Election Commission, <https://www.elections.ps/tabid/168/language/en-US/Default.aspx>.

March 2007, when it was replaced by a unity government that nominally involved all parties but on the ground left Hamas without power or influence. In June 2007, Hamas reacted by kicking out Fatah from Gaza and assuming control of the Strip.

Battling Fatah

From the outset, Fatah and PA President Abbas refused to cooperate with Hamas and boycotted the newly elected, Hamas-dominated Palestinian Legislative Council (PLC). This exacerbated existing divisions, especially when, in June 2006, the council repealed a number of laws that had been passed by presidential decree just days before the elections in order to arbitrarily strengthen President Abbas's authority.

Matters were complicated further by severe disagreements over the issue of security that caused great controversies because it concerned cooperation with Israel and international and regional parties.²⁵ While Fatah was not willing to give up control in this important area, Hamas rightfully considered it part of its mandate. Thus, in May 2006 Hamas formed the *Tanfithiya*, an executive force that at the time consisted of 5800 individuals, the majority of whom were Hamas members. Within weeks of its takeover of Gaza in 2007, Hamas's military wing established oversight over the myriad of smuggler tunnels in Rafah through which goods and weapons were smuggled between Gaza and Egypt and that were controlled by various clans and political factions.²⁶ The movement expanded the tunnel economy, taxed the smuggled goods, used part of the proceeds to finance its military and security forces, and thus was able to strengthen its military wing (Al-Qassam Brigades) and, eventually, merge the security and military dimensions.²⁷

²⁵ Beverley Milton-Edwards, "Order Without Law? An Anatomy of Hamas Security: The Executive Force (Tanfithiya)," *International Peacekeeping* 15, no. 5 (2008): 663–676.

²⁶ Are Hovdenak, ed. "Public Services under Hamas in Gaza: Islamic Revolution or Crisis Management?" Peace Research Institute Oslo (PRIO), 2010: 24.

²⁷ Nicolas Pelham, "Gaza's Tunnel Phenomenon: The Unintended Dynamics of Israel's Siege," *Institute for Palestine Studies* 41, no. 4 (2011/2012), <https://oldwebsite.palestine-studies.org/jps/fulltext/42605>.

Yet, in its efforts to establish control over Gaza, Hamas found itself functioning within the very framework it had rejected earlier, as ruling implied indirectly the recognition of Israel and the so-called peace process. This placed Hamas under tremendous internal and external pressures,²⁸ not the least because working within the system required far-reaching cooperation with the Fatah movement. Despising Hamas and disinterested in sharing power locally with anyone, Fatah cooperated with the international community in boycotting the Hamas government (March 2006–March 2007) and placing in its way numerous obstacles that hampered Hamas's ability to function.²⁹ During the national unity government (March 2007–June 2007), Fatah continued the boycott, which forced Hamas to choose between two options: either Fatah would overthrow the legitimate Hamas government, or Hamas had to act and defend its right to govern. Hamas viewed what was happening as a coordinated conspiracy, led by Israel and implemented by Fatah. Believing that its power was threatened and that it had to end the paralysis that afflicted its government, Hamas saw no other choice but to overthrow Fatah and expel it from Gaza as a crucial step to maintain its rule.

Subsequently and persistently, Hamas has tried to exercise its authority and to re-establish its dented image and status as a legitimate government, acting in two distinct ways. First, it categorically rejected the June 2007 decree of President Abbas which appointed Salam Fayyad as the head of a new caretaker government, basing this decision on an interpretation of the constitution that was not aligned, however, with stipulations in the Palestinian Basic Law regarding the state of emergency. At the same time, the PLC resumed work under the strict control of Hamas's Change and Reform bloc. Second, Hamas pressured the Fatah dissidents who had remained in Gaza after the summer of 2007, restricting their movement, expression, and assembly, while assuring that it respected

²⁸ Paul Morro, "International Reaction to the Palestinian Unity Government," CRS Report for Congress, Order Code RS22659, 9 May 2007, <https://sgp.fas.org/crs/mideast/RS22659.pdf>.

²⁹ "Gaza Under Hamas," International Crisis Group Middle East Report No. 73, 19 March 2008, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israelpalestine/ruling-palestine-i-gaza-under-hamas>.

these rights.³⁰ Still, despite the tension between the two parties, there was no complete rupture. For example, Hamas in Gaza cooperated with the PA in Ramallah on health and education issues, which resulted in the transfer of patients from Gaza to the West Bank, the redistribution of medicines, and in the coordination of final high school exams and the issuing of certificates.

In light of popular pressures demanding an end to the confrontation, both sides signed the Cairo Agreement in 2012 amidst the pressures of the Arab uprisings, with arrangements for power-sharing and the formation of a national unity government. Under such pressure, Hamas has shown a more pragmatic approach towards Fatah. But in the end, neither side has been willing to compromise on political and security issues or on the Islamists' future relationship with the secular PLO.

Encountering Salafi Groups

After years of Hamas rule that coincided with the global wave of jihadism, the Gaza Strip witnessed the emergence of a number of extremist Salafi groups.³¹ These groups were influenced by the prevailing radical atmosphere and by the conviction that Hamas was transforming from a resistance movement against the Israeli occupation into a ruling group. The criticism against Hamas revolved around accusations that Hamas was not fighting Israel and not implementing shari'ā law.³² While Hamas used localism to serve its global agenda, namely the liberation of the Islamic nation in general, it also served its local agenda of resisting the Israeli occupation.

³⁰ Human Rights Watch, "Under Cover of War: Hamas Political Violence in Gaza," 20 April 2009, <https://www.hrw.org/report/2009/04/20/under-cover-war/hamas-political-violence-gaza>.

³¹ Examples of such groups are *Suyuf al-Haq* (Swords of Truth), *Suyuf al-Islam* (Swords of Islam), *Jund Ansar Allah* (God's Supporters..., which equals the Palestinian Hizbullah), *Jaysh al-Islam* (Soldiers of Islam), *Jaysh al-Umma* (Soldiers of the Arab Nation), *Al-Tawhid wal-Jihad Jaljalat* (or *Ansar al-Sunna*), and *Da'esh Ghazze* (The Islamic State of Gaza); see: Benedetta Berti, "Salafi-Jihadi Activism in Gaza: Mapping the Threat," CTC Sentinel 3, no. 5 (May 2010), <https://ctc.usma.edu/wp-content/uploads/2010/08/CTCSentinel-Vol3Iss5-art2.pdf>.

³² "Radical Islam in Gaza," International Crisis Group Middle East Report No. 104, 29 March 2011, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israel-palestine/radical-islam-gaza>.

Salafi groups have provoked chaos and taken the law into their own hands, especially as they sought to implement their exclusionary *takfiri* programs.³³ In the city of Rafah, the *Jund Ansar Allah* group announced the establishment of an Islamic emirate, which eventually led to a massacre. The *Al-Hammam Muhammad Bin Maslama Brigade*, a military faction of *Al-Tawhid wal-Jihad Jaljalat*, kidnapped and killed Vittorio Arigoni, an Italian engaged with the International Solidarity Movement that supports Palestinians, and some Salafi groups issued strong statements, warning that Palestinian women should wear the *hijab* to avoid the risk of being attacked. Other groups claimed responsibility for dozens of attacks in different areas, such as throwing incendiary materials at girls, bombing Internet cafes, carrying out attacks against accessory stores, burning a billiards store, and bombing a pharmacy and phone stores. Even members of the Hamas military wing were attacked by these groups, as has been the case with Nidal al-Jaafari from Al-Qassam Brigades who was murdered by the Islamic State group in a suicide bombing near Gaza's border with Egypt in August 2017.³⁴

Among the groups that raised particular concern for Hamas was the *Jaljalat* group, a formation of fighters, mostly from the Al-Qassam Brigades, which sought to impose its religious interpretations on Gazans and opposed Hamas's preoccupation with governance that, in their view, came at the expense of the Islamisation of society. The group accused Hamas of jeopardising its Islamic integrity and abusing its pledge to truly wage resistance against Israel.³⁵ Having initially viewed *Jaljalat* members as comrades in resisting Israel, Hamas soon began to consider them a threat to internal security. Hamas's security forces suppressed *Jaljalat* with the utmost force, arresting members in large numbers and interrogating them harshly, which included abuse and violations of their basic human rights.

³³ An Arabic term for a Muslim authority that declares other Muslims to be apostates.

³⁴ Hamza Abu Eltarabesh, "Showdown Looms between Hamas and Gaza Salafis," *The Electronic Intifada*, 13 October 2017, <https://electronicintifada.net/content/showdown-looms-between-hamas-and-gaza-salafis/21966>.

³⁵ Yazid Sayegh, "Report No. 11: Three Years of Hamas Rule in Gaza," Crown Center for Middle Eastern Studies, Brandeis University, March 2010.

Eventually, this approach was replaced, however, by a strategy of containment and accommodation. Hamas strove to relate to these groups through Islamic ideology but continued to worry about their radicalising influence on the orientations and tendencies of its own members. Some groups, such as *Jaysh al-Islam* (Soldiers of Islam), were viewed as brothers in faith who could cooperate with Hamas under the banner of Islam, as they were former *mujahideen* against the Israeli occupier.³⁶ Hamas considers the members of these groups to be victims of a rigid interpretation of Islam who need healing. Thus, in addition to its accommodating approach that took into account the ideological and religious underpinnings which Hamas shares with Salafi-jihadis, the movement has adopted a program to contain extremism by re-educating their members in prisons about the “proper” Islam. Two programs were introduced, with the first focused on monitoring the views and actions of Hamas’s own members, and the other on educating the members of these groups about *al-Islam al-wasati* (lit. the middle-way or balanced Islam). In so doing, Hamas perceives itself as the ideological and political therapist who is capable of guiding errant individuals to the right path. This strategy is similar to the approach applied by Western countries in dealing with individuals who return to their countries after leaving ISIL/Da’esh (Islamic State).³⁷

Suppressing Dissent

To control the situation, Hamas has established a number of security apparatuses. They include civil police, guards and security personnel, an internal intelligence-gathering investigative entity, and civil defence forces, in addition to national security forces, military justice officers, military police, the prison authority, and a military wing that Hamas employs occasionally to crush internal dissent. These security bodies have

³⁶ “Radical Islam in Gaza.”

³⁷ Amandine Scherrer, ed. “The Return of Foreign Fighters to EU Soil: Ex-post Evaluation,” European Parliament, May 2018, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU\(2018\)621811_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/621811/EPRS_STU(2018)621811_EN.pdf).

frequently been called upon to encounter demonstrators, using excessive force to disperse peaceful assemblies and detain participants.³⁸

Under Hamas's rule, public gatherings are prohibited and demonstrations suppressed. In June 2018, a demonstration organised by the Commission of Detainees and Ex-Detainees called for an end to salary sanctions on PA employees in the Gaza Strip and for an end to the Palestinian political split. The demonstration was suppressed by persons in civilian clothing who likely were members of Hamas's security services and initially began to chant slogans against President Abbas in an attempt to provoke the demonstrators. Amidst mounting tensions, demonstrators and journalists were beaten. Even though Hamas security forces and police were present at the scene, protesters were not protected.³⁹

Hamas has arbitrarily arrested, interrogated, confiscated property, and harassed Palestinians who openly criticise the movement. Media practitioners and journalists accused of publicly criticising Hamas, including civil society activists, youth, social media activists, and journalists, have been intimidated, harassed, summoned, and pressured; they have faced punitive measures that include raids of their facilities and residences, arbitrary detention, and the refusal to allow them to travel outside Gaza. The movement has restricted freedom of expression and suppressed peaceful criticism of its rule by journalists, university students, dissidents, and peaceful demonstrators, especially on social media.⁴⁰ Hamas even arrested Palestine TV personnel and has banned Saudi-owned media outlets such as *Al-Arabiya* and *Al-Hadath*, accusing them of deception and of spreading rumours and lies.⁴¹ Media outlets in the Gaza Strip have reported that they practice self-censorship in addition

³⁸ "Right to Peaceful Assembly Under the Palestinian National Authority (July 2014 to October 2015)," Palestinian Center for Human Rights (PCHR), April 2018, <https://pchrgaza.org/en/wp-content/uploads/2018/04/RIGHT-TO-PEACEFUL.pdf>.

³⁹ Ibid.

⁴⁰ Amnesty International, "Gaza: Hamas Must end Brutal Crackdown against Protesters and Rights Defenders," 18 March 2019. <https://www.amnesty.org/en/latest/news/2019/03/gaza-hamas-must-end-brutal-crackdown-against-protesters-and-rights-defenders/>.

⁴¹ "Hamas Blocks Saudi News Networks in Gaza for 'Fake News,'" *Middle East Monitor*, 17 July 2020, <https://www.middleeastmonitor.com/20200717-hamas-blocks-saudi-news-networks-in-gaza-for-fake-news/>.

to Hamas's censorship of television programs, newspapers, books, and Internet activities.

In September 2020, people were arrested after posting on Facebook that Hamas distributed food donations and financial aid related to COVID-19 to its followers and supporters yet excluded others.⁴² Those who participate in certain cultural and educational programs (especially those sponsored by foreign organisations) face questioning by Hamas. Various organisations are prevented from operating, particularly those that Hamas accuses of belonging to Fatah but also private foundations and NGOs that Hamas considers incompatible with its interpretation of Islamic social norms.

In efforts to combat the spread of COVID-19, Hamas occasionally enforced restrictions on internal movement in Gaza. Similar restrictions and pressures were applied to make Gazans conform to Hamas's interpretation of Islamic norms by generally restricting the movement of women who frequently must travel in groups when visiting certain public areas such as the beach. There have been reports of security officers requiring men to prove that a woman who accompanied them in a public space was their spouse.⁴³

In addition, local observers have alleged instances of Hamas complicity in corrupt practices, including preferential purchasing terms for real estate and financial gains from tax and fee collections from Gazan importers. Hamas's authority severely inhibited reporting and access to information. Additionally, local business representatives in Gaza alleged the PA Ministry of Civil Affairs, which submits applications to Israeli authorities for the entry of restricted materials into Gaza, engaged in nepotism and gave preferential treatment to Gaza-based importers close to the ministry.

⁴² Bureau of Democracy, Human Rights and Labor, "West Bank and Gaza 2020 Human Rights Report," United States Department of State, 2020: 35, <https://www.state.gov/wp-content/uploads/2021/03/WEST-BANK-AND-GAZA-2020-HUMAN-RIGHTS-REPORT.pdf>.

⁴³ Ibid.

Individuals in Gaza have been sentenced and executed by what Hamas calls a “special field military court.”⁴⁴ Serious questions have been raised about these courts and about whether they meet the minimum fair trial standards, as defendants are denied access to legal representation, subject to ill-treatment and torture, and obliged to sign confessions under pressure,⁴⁵ while sentences cannot be appealed and are not approved by the Palestinian president, which places them in violation of Palestinian law. Neither do defendants enjoy the right to be considered for pardon or the commutation of their sentence, as stipulated by international human rights law.⁴⁶

Some Western agencies that monitor human rights violations criticise Hamas's pursuit of collaborators with Israel. This issue is very sensitive because many Palestinians do not oppose the prosecution of collaborators for the harm they have inflicted on Palestinians. These reports consider such violence, and threats of violence, to be fed by what they falsely, and without proof, claim to be anti-Semitism that can be observed in textbooks.⁴⁷ They place these in line with threats of violence against members of the LGBTQ+ community and forced child labour. Others find it problematic that these reports accuse Hamas of violence and violations of rights without sufficiently accounting either for the pain inflicted by the Israeli occupation or for the cultural peculiarities of the conservatism prevailing in Gazan society in particular and Palestinian society in general.⁴⁸

⁴⁴ Entsar Abu Jahal, “Hamas to Try Collaborators in Military Courts, Claiming Legality,” *Al Monitor*, 27 May 2021, <https://www.al-monitor.com/originals/2021/05/hamas-try-collaborators-military-courts-claiming-legality#ixzz7Qs5YH3EV>; <https://www.al-monitor.com/originals/2021/05/hamas-try-collaborators-military-courts-claiming-legality>.

⁴⁵ “Gaza: Hamas Must End Brutal Crackdown against Protesters and Rights Defenders.”

⁴⁶ “Abusive System Failures of Criminal Justice in Gaza,” Human Rights Watch, 3 October 2012, <https://www.hrw.org/report/2012/10/03/abusive-system/failures-criminal-justice-gaza>.

⁴⁷ Recent definitions of antisemitism have included any criticism of Israel, aiming to suppress the expression of solidarity with Palestinians; see Jeffrey Sachs, “Canada's New Definition of Anti-Semitism is a Threat to Campus Free Speech,” *University Affairs*, 10 September 2019, <https://www.universityaffairs.ca/opinion/in-my-opinion/canadas-new-definition-of-anti-semitism-is-a-threat-to-campus-free-speech/>.

⁴⁸ See, for example, Bureau of Democracy, Human Rights, and Labor. “2019 Country Reports on Human Rights Practices: West Bank and Gaza.” US Department of State. <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/israel/west-bank-and-gaza/>.

Restructuring the Judiciary

Once it removed the old regime, the Hamas government began a comprehensive restructuring of Gaza's judiciary and appointed new prosecutors and an attorney general. Hiring new judges proved difficult because many candidates lacked the appropriate experience, and entrusting the customary institutions with providing the knowledge base to rebuild the official Hamas judicial system opened these appointments to criticism. It was made easier because the large majority of judges and legal employees already belonged to Hamas.

While Hamas generally maintained the overall structure of the governmental institutions it had captured in 2007, the judicial sector was an exception. Here, Hamas chose to establish two parallel judicial bodies, having realised that it was difficult to control the existing system because the PA in Ramallah initially continued to enjoy the upper hand in influencing and controlling it.⁴⁹

By late 2012, the Hamas government had been largely successful in its efforts to end the chaotic security situation and restore law and order in the Gaza Strip. Alongside the official judiciary, informal conflict resolution institutions were given more influence and control to administer security. While the formal system was simplified, restructured, and staffed with new employees, the informal dispute resolution system was placed under the authority of *al-lijan al-islam*, the Association of Muslim Scholars, a body newly founded by Hamas that comprises Hamas affiliates and supporters. Initially tasked with resolving legal disputes merely in social matters, the Association's role soon expanded to include criminal, commercial, land, and other disputes.

Hamas has used the informal system to communicate with society and control it, according to its political and ideological likings, especially when the popular mood did not favour official institutions, including courts, due to their weakness, ineffectiveness, and lack of integrity. Thus, Hamas was able to control and transform the formal and informal judicial systems into complementary yet separate bodies, rather than competing institutions.

⁴⁹ Hovdenak, "Public Services under Hamas in Gaza": 5.

The Muslim scholars who became members of *lijan al-islah* have profoundly impacted these committees, pressing committee members and clients to mediate primarily according to shari'ā law rather than *al-urf*, the dominant tradition for solving the conflict in Palestinian society. Ultimately, by granting the informal system and its ideological bias prominence, Hamas's rule has led to the serialisation of the judiciary.

Encountering Moral Decay

Initially, Hamas understood Gaza's *fitna* (chaos) as part of a conspiracy woven by Israel and its partners, including Ramallah's PA. But it also pointed to the "immoral behaviour" of individuals themselves. Citing a lack of religious faith and respect for the moral standards of Islam and searching for ways to restore order, the movement targets those it deems as violators of Islamic values and principles, asserting that it aims to halt a moral and general decline, including that of the security situation, in society. Thus, when Hamas attempted to rectify the security problem, it cracked down first on immoral behaviour rather than on other offenders whose behaviour might be more clearly judged as criminal, indicating that religion is intertwined with the movement's political and social agenda.⁵⁰

Equating the failure to comply with Hamas's interpretation of Islamic values with illegal acts, the movement justifies the use of force.⁵¹ In its efforts to restore law and order, Hamas did not shy away from restricting civil liberties and violating human rights. The movement argues that, by assuring peace and providing security, it guarantees respect for individual rights and freedoms—not vice versa. In this regard, Hamas resembles liberal democracies that place the "war against terror" ahead of civil liberties and constitutional rights.

⁵⁰ Tristan Dunning, "Islam and Resistance: Hamas, Ideology and Islamic Values in Palestine," *Critical Studies on Terrorism* 8, no. 2 (2015): 284-305.

⁵¹ Brenner: 138.

Running a Distressed Public Service System

Hamas did not ignore its responsibility regarding service provision. Using its modest resources, institutional infrastructure,⁵² and control over Islamic social institutions designated for social support, it controls the government welfare apparatus and related ministries. Furthermore, Hamas was able to develop an economic space, as it responded to the Israeli blockade by vastly expanding the “tunnel” economy. Relying entirely on goods smuggled through tunnels, the movement was able to replace most of the goods that previously had been imported through Israel—and subjected this (alternate) economic space to taxes.⁵³

Using education to promote its values, Hamas introduced changes and amendments in schools that increased the influence of religion by encouraging female students to wear the veil, allocating times for prayer, and reviving national and religious occasions. However, it continued using existing school curricula and has coordinated with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) and Ramallah regarding this important sector.⁵⁴

To improve the health sector, the Hamas government increased the number of hospital beds, employed additional cadres, established new facilities, improved coordination and transparency, and reworked the system to become “more agile and rational,” as the movement asserts.⁵⁵

In general, the education and health sectors have been maintained through a delicate “division of labour” between the Gaza and the Ramallah governments. Whereas the expenses, including salaries, were covered by Ramallah, the Hamas government pays the salaries of additional staff that has been employed without coordination with Ramallah.⁵⁶

Because the West Bank and the Gaza Strip are administered separately, public services in Gaza have been devastated by the split and the

⁵² Hovdenak, “Public Services and Hamas.”

⁵³ *Ibid.*: 22–29.

⁵⁴ Are Hovdenak, “Hamas in Gaza: Preparing for Long-term Control?” Peace Research Institute Oslo (PRIO), 2010, <https://www.prio.org/publications/7278>.

⁵⁵ *Ibid.*: 59–69.

⁵⁶ *Ibid.*: 45–71.

associated financial shortcuts. Following the Hamas takeover, key donors reduced and/or conditioned their funding for humanitarian and development projects in Gaza. Due to no-contact-with-Hamas policies imposed by some donors, assistance has been channelled towards areas and institutions not under Hamas's control rather than towards areas where it is most needed.

When, in 2007, after Hamas' takeover, the PA ordered some 70,000 Gazan PA employees not to report to work, Hamas recruited thousands of employees and security personnel from its own ranks. To compensate its Gazan workers, the PA paid for their essential services for years, including some civil service salaries and bills for electricity, water, and medical care. The National Consensus Government, formed in April 2014, did not change this situation: Until July 2017, 20,299 civil servants employed by Hamas in Gaza received partial salaries, while 25,658 civil servants and 33,550 security personnel were paid by the PA without reporting to work.⁵⁷ The absenteeism caused by the salary crisis has been compounded further by the underfunding of Gaza-based ministries, the duplication of functions, and the lack of clear reporting lines.

In the spring of 2017, hardening the split, Hamas established the Administrative Committee to run governmental affairs in the Strip. Facing a growing financing deficit for its budget, the PA in Ramallah responded by implementing various measures to pressure Hamas and bring Gaza back under its political control. These measures have caused severe humanitarian consequences that are ongoing, even though the Administrative Committee was dismantled in September 2017.

Hamas's inability to recruit civil servants and ensure that they are paid regular salaries, coupled with restricted access to professional training outside Gaza, have severely affected the quality of services in Gaza and led to serious deficiencies in skilled personnel. Medical service provision is impeded by continuous shortages of essential drugs and medical supplies caused by delays in shipments from the WB due to difficulties to facilitate them with Israel. This shortage is compounded by

⁵⁷ United Nations Country Team in the occupied Palestinian territory, "Gaza Ten Years Later," United Nations, July 2017, https://unsco.unmissions.org/sites/default/files/gaza_10_years_later.pdf.

reductions in the budget allocated by the PA Ministry of Health. The health sector's chronic problems are exacerbated by low morale among employees, reduced working hours, increased absences, frequent strikes, and the postponement of many surgeries.⁵⁸

The energy sector suffers from major disruptions in energy supply and is hampered by a lack of transparency regarding both revenue collection and the reasons behind high fuel prices and electricity costs. Disagreements over the funding and taxation of fuel and the collection of payments from electricity consumers have undermined the functioning of Gaza's sole power plant (the Gaza Power Plant, or GPP) and frequently led to its shutdown. To cope with the lengthy blackouts, service providers are resorting to backup generators that depend on the availability of fuel and are not designed for uninterrupted use. The import of new generators and spare parts is restricted by Israel. The PA's decision to reduce payments for the electricity that is supplied by Israel has aggravated the crisis significantly and strengthened the controversial role of Qatar, which is now paying for the fuel to run the electricity-generating plant in Gaza, in addition to covering the salaries of civil servants.⁵⁹

What Does All This Imply?

From this brief review of Hamas's transition from grassroots activism to institutional politics and the way in which it dealt with the various challenges along the way, three main conclusions can be drawn. First, the challenges Hamas faced have profoundly affected it, both as a political movement with a political and ideological program, affiliated institutions, and popular support, and as a governing body under extremely

⁵⁸ Mona Jebril, "The Political Economy of Health in the Gaza Strip (Occupied Palestinian Territory)," Centre for Business Research, Cambridge Judge Business School, University of Cambridge, November 2021, <https://www.cbr.cam.ac.uk/wp-content/uploads/2021/11/cbr-special-report-the-political-economy-of-health-in-the-gaza-strip.pdf>.

⁵⁹ Sima Aldardari, "Qatar and Gaza's Electricity: Mediation, Aid, and Expertise," The Arab Gulf States Institute in Washington, 26 May 2021, <https://agsiw.org/qatar-and-gazas-electricity-mediation-aid-and-expertise/>; Fares Akram, "Hamas: Qatar Paying Public Salaries by Sending Fuel to Gaza," *ABC News*, 1 December 2021, <https://abcnews.go.com/International/wireStory/hamas-qatar-paying-public-salaries-sending-fuel-gaza-81470775>.

difficult circumstances. The role of ideology has declined significantly in favour of practical considerations, which distinguishes Hamas's experience radically from the experience of the Taliban in its early years. To face the various challenges, Hamas has adopted varying approaches and procedures, all of which were based on linking governance with resistance and employing each to serve the other. The movement has claimed that controlling the Gaza Strip has guided and supported its resistance against the Israeli occupation and enabled it to increase significantly the capabilities of its military wing (the Izz al-Din al-Qassam Brigades). Thus, Hamas has become a formidable political rival to the PA leadership in Ramallah that lacks any credible resistance strategy. Hamas justified repressing Fatah and the Salafis, tightening its internal grip, and controlling the judiciary and other civil domains with the assertion that such actions were indispensable for and supported its resistance of the Israeli occupation. Indeed, public opinion polls have shown that Hamas scores higher than Ramallah's PA when it comes to supporting resistance, combatting corruption,⁶⁰ and maintaining personal security and public order, even though it has stumbled in its efforts and has achieved only modest accomplishments in many other areas.

Second, since taking over the Gaza Strip, Hamas has tried to differentiate the political movement from its identity as a ruling party that manages the affairs of the people in Gaza under extremely difficult circumstances. The movement aimed to avoid repeating Fatah's mistakes when the latter allowed PA institutions to take over and weaken it, especially once Hamas was able to freely implement its Islamic agenda in Gaza. But, even though Hamas asserts that it was successful in separating itself as a movement from Hamas as a government, facts on the ground fail to support this claim. For example, according to Yezid Sayigh, the Shura Council, selected through periodic internal elections, acts as Gaza's shadow government, ensuring that government policies are in harmony with Hamas's broader agendas and overseeing the conduct of internal

⁶⁰ According to Public Opinion Poll No. 81, conducted on 21 September 2021, by the Palestinian Center for Policy and Survey Research (PSR), the perception of corruption in the PA institutions stands at 83 per cent, while in Hamas-controlled institutions it did not exceed 61 per cent.

political debates.⁶¹ The same can be said about the relationship between the movement's political and military wings. Although Hamas claims that both structures are separate, in practice they are not, partly because the relationship between violent and nonviolent political struggle is difficult to discern, and partly because Hamas is a "hybrid politico-military organization," as highlighted by Benedetta Berti.⁶²

Third, Hamas did not seek to change the regime but rather was forced to do so. The movement contented itself with working from the inside, playing by the existing rules, and ruling the system while leaving it unchanged. Although Hamas introduced partial bureaucratic reforms and changes, especially in the judiciary, it generally avoided deep institutional transformation and has chosen to manage the system instead. The serious challenges associated with governing Gaza have not prevented Hamas from seizing opportunities to recruit new loyal employees and consolidate its control. Hamas has used its international isolation as a tool to consolidate its domestic power, while Gazans have become more dependent on their government and its social welfare system under the prevailing dire and deteriorating conditions.

Does Governance Make Hamas Moderate?

Suppose that we ask Hamas about the meaning of the terms radicalism and moderation and prompt the movement to decide which one was more accurate in describing it. In that case, the movement would challenge the question's premise before providing an answer. At times described vaguely as diverse processes that facilitate terrorism-related behaviour,⁶³ the term radicalism—just like extremism and terrorism and

⁶¹ Sayigh, "Hamas Rule in Gaza: Three Years On."

⁶² Benedetta Berti, *Armed Political Organizations: From Conflict to Integration* (Baltimore: Johns Hopkins University Press, 2013).

⁶³ Randy Borum, "Radicalization into Violent Extremism I: A Review of Social Science Theories," *Journal of Strategic Security* 4, no. 4 (2011): 7–36.

their opposites—is poorly defined and has no universally accepted definition; these labels remain tainted with ambiguity, as Striegher explains.⁶⁴ Thus, posing this question implies a clear ideological bias because it is reductionist in nature and harbours an initial hostility to the movement rather than the intention to understand it. But irrespective of Hamas's desires as to how it should be depicted by others, two main views prevail: one links the movement to radicalism and extremism and the other to flexibility and moderation; a third opinion mixes these two.

The first view perceives Hamas as a rigid and radical Islamist group that practices violent extremism and terrorism or follows the doctrine of the “jihad of the sword.”⁶⁵ It is characterised as hostile to democracy and liberal values, such as women's freedom, pluralism, and freedom of expression, progress, and modernity, etc., attributes that, according to this view, characterise the West and Israel. Hamas's alleged radicalism is usually linked to the broader radicalism of groups, such as al-Qaʿida, the Afghan Taliban, Boko Haram, Hizbullah, and ISIS. The problem with this oversimplified and reductionist classification is that it neglects the ideological and political specificities of these groups and ignores the fact that Hamas cannot be understood independently of the colonial condition in Palestine. Even the same condition has produced different Islamist groups, as exemplified by the emergence of Hamas and Al-Jihad al-Islami in Palestine. Erik Skare discusses this issue and offers an analysis of key texts, showing profound differences in their analysis of the state and the organisation of a just society. Whereas Hamas outlines a state-centric approach to governance through which Islamic values are enforced from above, Al-Jihad al-Islami perceives the state to be the greatest threat to the just organisation of society.⁶⁶ A similar view is expressed by Hassan Mneimneh, who attempted to overcome the rigid classification of Islamist groups by dividing them into four types: two

⁶⁴ Jason-Leigh Striegher, “Violent-Extremism: An Examination of a Definitional Dilemma,” 8th Australian Security and Intelligence Conference, 30 November–2 December, 2015, Edith Cowan University Joondalup Campus, Perth, Western Australia: 75–86.

⁶⁵ Meir Litvak, “‘Martyrdom is Life’: Jihad and Martyrdom in the Ideology of Hamas,” *Studies in Conflict and Terrorism* 33, no. 8 (2010): 716–734.

⁶⁶ Erik Skare, “Controlling the State in the Political Theory of Hamas and Palestinian Islamic Jihad,” *Religions* 12, no. 11 (2021), <https://doi.org/10.3390/rel12111010>.

revolutionary movements among which one is global, namely al-Qaʿida, and the other is local, namely the Taliban, and two reformist movements, with the global Muslim Brothers and the local Hamas in Palestine.

The second view sees Hamas as moving towards moderation and making efforts to spread its brand of what these individuals, including scholars and others, perceive as moderate Islam, presenting **several** pointers in support of this claim. Such pointers are as simple as two women joining the movement's politburo; the disclosure of the names of the respective heads of the movement's Shura Council in general (Ahmed Bahr) and in the Gaza Strip (Osama al-Muzaini) after the 2021 elections, as this matter had been very discrete before⁶⁷; the effective control of Gaza's borders with Egypt and Israel; and Hamas's cooperation with the expelled Fatah leader Mohammed Dahlan.

More credible indicators presented to support the claim of Hamas's moderation include its participation in the 2006 elections and its immersion in institutional politics—which implies the necessity of dealing with practical challenges that shake the purity of ideology—rather than establishing an Islamic “emirate” in Gaza; the movement's readiness to end the internal split and achieve reconciliation; its willingness to participate in the May 2021 elections (that were postponed); and the 2017 update of its charter that obliterates the movement's relationship with the Muslim Brotherhood, indicates Hamas's acceptance of the establishment of a Palestinian state within the 1967 borders—with the implication of recognising Israel—and the willingness to negotiate and accept a

⁶⁷ The General Shura Council, which is believed to consist of 50–90 members who represent the movement in Gaza, the West Bank, and prisons Israel, and outside Palestine, is the highest authority that constitutes the movement's “supreme religious body,” provides legitimacy and supports of its political activities and decisions, and is responsible for setting public policies and approving plans and budgets.

renewable *hudna* (armistice) with Israel in exchange for an independent Palestinian state.⁶⁸ On the broader ideological level, the document condemned religious and ethnic extremism and bigotry.⁶⁹

To explain why armed groups such as Hamas move towards institutional politics, Berti presents four factors: institutional pressure to expand and accommodate, an opening in the political opportunity system, internal unity and commitment to change, and a decline in the availability of mobilisation resources.⁷⁰ All these considerations are relevant for Hamas. For example, its moderate and radical choices are influenced by the resource providers upon whom the movement depends and by its overall strategy and tactics. This analysis is aligned with commentaries that contend that moderation leads to more heterogeneous resource providers, whereas radicalism leads to more homogeneous resource providers, both of which we find in Hamas.⁷¹

The opinion that sees Hamas as moving more towards moderation emphasises the linkage between the movement and its regional environment. It maintains that Hamas's democratic victory in 2006 and subsequent accession to power constitute the first experience of Islamist rule and transition into institutional politics in the region. Hamas's experience has "constituted an experiment and a showcase of how Islamist governance might turn out in practice," Björn Brenner maintains.⁷² Therefore, the evaluation of this experience is not merely an exposition of Hamas's program, but also an assessment of the fitness for governing political Islam, particularly the brand of the Muslim Brotherhood.

⁶⁸ Beverley Milton-Edwards, "The 'Warriors Break': Hamas and the Limits of Ceasefire Beyond Tactical Pause," *International Peacekeeping* 24, no. 2 (2017): 212–235; Khaled Hroub, "A Newer Hamas? The Revised Charter," *Journal of Palestine Studies* 46, no. 4 (2017): 100–111; Dag Tuastad, "Hamas's Concept of a Long-term Ceasefire: A Viable Alternative to Full Peace?" Peace Research Institute Oslo (PRIO), 2010.

⁶⁹ Hamas in 2017: The document in full, Middle East Eye, <https://www.middleeasteye.net/news/hamas-2017-document-full>.

⁷⁰ Berti, *Armed Political Organizations*.

⁷¹ Michael Yaziji and Jonathan P. Doh, "The Role of Ideological Radicalism and Resource Homogeneity in Social Movement Organization Campaigns against Corporations," *Organization Studies* 34, no. 5–6 (June 2013): 755–780.

⁷² Björn Brenner, *Gaza Under Hamas: From Islamic Democracy to Islamist Governance*, (London: I.B. Tauris, 2017): 172.

In general, debates regarding Hama's radicalism and moderation are always influenced by the overlap between the various, sometimes contradictory elements that collectively shape the movement's complex character. It is an intricate "hybrid politico-military organization," as Berti states, which implies that denoting it as radical or moderate will not enable us to understand its conduct, including its governance. A credible assessment of Hamas's radicalism or moderation requires taking into account that Hamas is not a harmonious whole, either politically, ideologically, or regarding its military apparatus. There are also differences between political and social aspects,⁷³ between the inside and the outside, between the West Bank and Gaza, and regarding specific issues, while positions have also changed over time, all of which makes it very difficult to properly define the movement as radical or moderate.

To understand Hamas's governance, we must avoid reductionism that places the movement's ideology and politics into rigid dichotomies of extreme versus moderate, rigid against flexible, or violent as opposed to peaceful. Hamas is too complex to be squeezed into a narrow box. The analysis should always bear in mind "a three-dimensional Hamas" that includes aspects of religion, nationalism, and resistance, as Jennifer Jefferis suggests.⁷⁴ These powerful concepts not only impact Hamas's goals and strategies but also determine its very legitimacy and ability to govern and garner support. When Hamas emphasises one of these concepts over the other two, it harms itself, weakens its credibility, and decreases its popularity. The fact that these three concepts are not always in harmony explains Hamas's changing positions on important issues, such as the Arab Spring: initially siding with the Syrian regime, it later supported the rebels and is now trying to restore its relations with the regime.⁷⁵ Similar questions can be raised regarding internal

⁷³ Susilo Wibisono, Winnifred R. Louis, and Jolanda Jetten. "A Multidimensional Analysis of Religious Extremism," *Frontiers in Psychology*, 18 November 2019, <https://doi.org/10.3389/fpsyg.2019.02560>.

⁷⁴ Jennifer Jefferis, *Hamas: Terrorism, Governance, and Its Future in Middle East Politics* (New York: Praeger Security International, 2016): 1.

⁷⁵ Anchal Vohra, "The Axis of Resistance to Israel Is Breaking Up," *Foreign Policy*, 25 February 2021, <https://foreignpolicy.com/2021/02/25/the-axis-of-resistance-to-israel-is-breaking-up/>.

decisions, such as the proper relationships between governance and resistance, between Islamists and secularists, and between Palestinians and the Arab and Islamic worlds. This complexity thus affects not only Hamas's propensities towards radicalism or moderation but also its conduct and understanding regarding governance.

Conclusion

This chapter sought to assess whether the concept "rebel governance" applies to Hamas, even though its approach links governance and resistance, which are inherently incompatible. Through governing Gaza, Hamas has been able to preserve its resistance capabilities (military capabilities), which in turn increased popular support and deepened its control of Gaza. By coalescing governance and resistance, Hamas desired to be recognised as a relevant player, especially at the decision-making levels. To achieve this end, Hamas has employed the existing rules and avoided deep institutional transformation.

Hamas is not homogeneous; the tactics of various factions differ and may even oppose each other. Hamas is a group engaged in armed resistance against the Israeli occupation, an opponent of the Fatah movement and the PLO, a party that has ruled the Gaza Strip since 2007, and an important political and ideological player in dispersed Palestinian communities. Additionally, and regionally, Hamas is an embodiment of political Islam with both friends and enemies, as it has become part of the region's groupings and alliances.

Inconsistent perspectives and dual positions taken by Hamas have become "adaption mechanisms." Whereas in 1996, Hamas opposed legislative elections, it accepted them in 2006 because it realised that this was the only way by which it could increase its standing and influence, even though this position required the tacit acceptance of the status quo following the Oslo Agreement. Hamas supported the Syrian regime before standing against it in the aftermath of the 2011 Syrian revolution.

Given the complexity of Hamas's structure and conduct, it would be imprudent to attempt to align it with the narrow binary labels of political or militant, moderate or extreme, peaceful or violent, simply because

Hamas is both. But we can note that the role of ideology is declining in favour of pragmatism, which posits the movement's experience out of line with radical experiences such as, for example, the Afghan Taliban in its early years. Nevertheless, numerous parties insist on labelling the movement as a radical and extremist group, mostly because they wish to keep the balance of power in the region overwhelmingly aligned with Israel and its Western allies. However, Hamas's engagement in governance must not necessarily be taken as a sign of moderation, just as the expansion of its military capabilities must not be considered a sign of extremism. Both of these strategies are necessary for Hamas to cope with changing realities and are not considered legitimate or illegitimate actions by the movement. Hamas's ultimate aim is to extract recognition as a formidable political and ideological player.

Thus, the concepts of "governance" and "rebel governance" are of limited benefit in understanding Hamas's conduct. The fact that Palestinians enjoy very limited sovereignty and lack control over their land and resources in the absence of independence or a territorially centralised form of organisation impedes the ability to exert governance of any party. This leaves governance, as a concept and as a practice, disconnected from the inferred context of governance or rebel governance. Because Hamas is not a rebel group but a resistance movement against the Israeli occupation, its approach to governance is necessarily different from what armed groups practice in civil wars: whereas rebel groups seek to overthrow existing sovereign governments, Hamas seeks to overthrow an oppressive order of a foreign occupier and to reclaim national independence. Attempts to assess its overall conduct and governance as successful or unsuccessful are problematic and of limited benefit because the movement has been successful in some aspects but less so in other aspects. Lastly, because Hamas's approach to governance is complex and multi-layered, its evaluation is subject to various, at times contradictory interpretations and theories, yet the theory of "rebel governance" that is grounded in a civil war background offers very little in this regard.

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Competing to Govern: Opportunities and Regime Responsiveness to Civilian Protests During the Taliban Insurgency in Afghanistan

Tareq Sydiq

Introduction

The fall of Kabul and the emergence of the Taliban as new rulers of Afghanistan raised major questions for research on state building, intervention regimes, and insurgencies. Rather than focusing on the political and military decisions leading to this outcome, or questioning the feasibility of the intervention per se, this paper conceptualises the conflict between the Republic and the Emirate as a competition to govern. My main argument is that the conflict was not resolved through military dominance alone but through political dominance, as both regimes provided overlapping opportunity structures and state services to Afghan citizens which they made varying use of. The success of the Taliban in

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2021 is then not only a military success over state building, but rather a political success at out-governing the (previous) government.

I illustrate this argument by providing background to the intervention and the kind of political system which emerged under the Republic of Afghanistan. An ongoing compromise, it created carefully negotiated power balances among elites to prevent war. Due to its reliance on political elites and the international community, it often seemed more responsive to their interests than to the interests of those it governed. Where the former warlords turned politicians moved from reliance on local constituencies to reliance on international actors and intra-elite compromise, the Taliban were forced to make the opposite transition. They had insulated their inner circles from the populace throughout their first rule in the 1990s but were now forced to sustain a prolonged rebel movement dependent on local support. This changed how they had to adapt their rule. The Emirate which emerged particularly in the second half of the intervention, as the Taliban managed to control more territory, was able to experiment with modes of rebel governance. Drawing from research on protest movements under rebel governance, I argue that armed insurgents like the Taliban could not afford to ignore constituents and instead relied on negotiations.

These reversed roles changed their respective capacities. Where the Republic could rely on an excessive military capacity due to international support, their ability to govern outside immediate military control was diminished by military strikes. And an improved capacity to govern allowed the Taliban to use these gaps they had exposed, hollowing the Republic's support base. What is more, successful efforts at state building created institutions independent of the governing elite, which could be coopted by Taliban rulers. And the overlap of these spheres of influence impacted how civilian interests could be articulated, as the political elites they could address would often shift or remain relevant only locally until either side would win the war. In this sense, the end of the Republic did not spell the end of the Afghan state or constitute state failure as much as a regime change, since most state institutions continue operating, providing a political structure to be addressed by civilian interests across the country even in areas former held by rebels. In a way, this development is a repetition of Shahrani's question on the post-Taliban

order in Afghanistan about how, not by whom, a multi-ethnic society should be governed.¹

If the conflict was not only a military one, but also a competition to govern, civilian actors influenced its outcome. I conclude this argument by highlighting the fate of such civilian actors under a new Taliban government which no longer faces a state competitor. Afghans, like those who participated in protest movements emerging in the immediate aftermath of the Taliban takeover, are facing a novel situation unlike any during the last decades. The fragmentation of political control between Republic and Emirate had caused complicated dependencies and socio-political relationships which made it difficult for protesters to address specific stakeholders with their grievances. With mostly unified of control over the Afghan state under Taliban leadership, there now exists a single entity which can address grievances, e.g. during last year's flag protests or in the ongoing women's rights protests. Faced with Taliban consolidation, Afghans now risk more direct repression and state violence, since key drivers of Taliban pragmatism are gone.² As they have no direct competitor, Taliban leaders can afford less effective modes of governance to appease internal factions, and without a major domestic military threat, they can use their military capacity for repression. As the Taliban improve their capacity to govern and to repress independent civilian cooperation, such windows of opportunities for protesters are likely to close.

The Post-Taliban Regime in 2001

The international intervention in Afghanistan produced many of the constellations and grievances that shaped the conflict throughout the next 20 years. It sought to expand and centralise remaining state institutions and to create a responsive mode of governance, but it instead

¹ Nazif M. Shahrani, "War, Factionalism, and the State in Afghanistan," *American Anthropologist* 104, no. 3 (2002): 721.

² This observation was made at the time of this writing in late 2021/early 2022. Indeed, evidence of such increased repression has surfaced since then, including increased pressure on journalists, political activists and critics.

produced increasingly militarised responses and the exclusion of political forces in order to create and maintain inter-elite compromises. The initial intervention thus produced many of the conditions shaping the conflict for the next two decades.

In October 2001, the Taliban regime was replaced through an international intervention with an interim government and later the Islamic Republic of Afghanistan. The process was characterised by the quick accession of an interim government, led by Hamid Karzai and dominated by the former Northern Alliance, which was transformed through the Bonn agreement into the later Republic. Throughout this process, “the parties were brought together to negotiate a framework under extreme time pressure, while an external power had come in as an active and partisan participant in the conflict”.³ The process was in itself contradictory. On the one hand, the UN emphasised a “light footprint” approach, characterised by a limited international presence and reliance on as many Afghan staff as possible to bolster Afghan capacity.⁴ At the same time, the presence of intervention forces which continued to wage a war against insurgents created pressure on the timeline and framework of the transition. Thus, “the group assembled in Bonn was of necessity less than completely representative of the various political and ethnic factions throughout Afghan society”.⁵

This major caveat resulted in the exclusion of the Taliban, who had lost the war and were largely considered illegitimate, and a lack of scrutiny regarding human rights violations and grievances caused by the winning coalition, the Northern Alliance.⁶ This decoupled processes of state building from processes of elite consolidation, in which the latter sought compromises among political elites to maintain unity and prevent new violent conflicts among these elites, while the former pursued a path of mostly technocratic improvement of governance.

³ Ebrahim Afsah and Alexandra Hilal Guhr, “Afghanistan: Building a State to Keep the Peace,” *Max Planck Yearbook of United Nations Law Online* 9, no. 1 (2005): 384.

⁴ Simon Chesterman, “Walking Softly in Afghanistan: The Future of UN State-Building,” *Survival* 44, no. 3 (2002): 37–45.

⁵ Afsah and Guhr, 385.

⁶ *Ibid.*

This capacity building of state institutions was based on remaining state functions. After all, this new Afghan state did not emerge in a vacuum following a lack of statehood. Afghanistan had a history of statehood and state building in the twentieth century, albeit with limited success and a reliance on foreign aid in order to fund its institutions. In the 1970s, external aid financed some 40 per cent of the state budget, rendering the Afghan state a rent-seeking state rather than one funded through sustainable domestic channels such as taxation.⁷ The ensuing civil war further weakened state power at the expense of clientelist networks, as both the state and insurgents relied on local militias.⁸ “Still, state institutions survived most of the war in the 80s. Its structures only collapsed when warlords split the country in multiple spheres of influence following the collapse of the central government in 92—and these strongmen had little incentive to put the state back together.”⁹

Throughout the 1990s, these warlords continued relying on existing institutions to maintain their local control and access to resources. They maintained some of the bureaucratic structures of the state: “Throughout 1992–2001 many central and local bureaucrats remained in their place, despite not being paid. They did not do much work (at least not in their offices), but would have been available to whoever wanted to employ (and pay) them.”¹⁰ Warlords made use of these civil servants, establishing what Giustozzi referred to as “proto -states or emerging political complexes”.¹¹ The Republic in 2001 later inherited these legacies of statehood, as the central government sought to incorporate multiple political complexes into a new centralised polity. Rather than dealing with absent institutions which could be supplanted with a new central

⁷ Wimmer and Schetter, “Staatsbildung Zuerst: Empfehlungen Zum Wiederaufbau Und Zur Befriedung Afghanistans,” ZEF Discussion Papers on Development Policy, 2002, 8.

⁸ Ibid., 9–10.

⁹ Christopher Cramer and Jonathan Goodhand, “Try Again, Fail Again, Fail Better? War, the State, and the ‘Post-Conflict’ Challenge in Afghanistan,” *Development and Change* 33, no. 5 (2002): 885–909.

¹⁰ Antonio Giustozzi, “Respectable Warlords? The Politics of State-Building in Post-Taleban Afghanistan,” LSE Crisis States Programme Development Research Centre, Working Paper 33 (2003): 4.

¹¹ Ibid., 6.

state, the international community was faced with weak institutions¹² in need of strengthening and centralisation. It also created a blueprint for rebel governance under the Taliban insurgency—bureaucrats had previously served under multiple regimes, the Soviet-backed central state as well as warlords, including the Taliban themselves, during the civil war era, and now the Republic. The basic existence of these institutions was, at least partially, independent of the rulers overseeing them.

These realities on the ground were contrasted with some of the international community's plans. Cramer and Goodhand observe that international responses in Afghanistan, as they commonly occur in "post-conflict" moments, were driven by fantasies of liberal states providing basic services versus decentralised governance structures. They criticise this approach as lacking historical memory and contemporary understanding, and suggest treating Afghanistan as embedded in regional conflict complexes.¹³ Rather than being either a centralised liberal state or a decentralised case of state failure, Afghanistan had multiple interlinked institutions which showed degrees of continuity as well as progress. Marsden for example observed an influx of reconstruction assistance since the fall of the Soviet-backed government in 1992, with solid progress for infrastructure and even basic state services like sanitation, education, and health.

These continuities certainly helped to stabilise the post-Taliban order and allowed the quick establishment of a new state. After all, focussing on existing state capacity has proven more successful than attempting to build state strength without it.¹⁴ However, maintaining such institutions also allowed warlords to keep their localised power, sometimes challenging the central state. The civil service proved resilient against externally imposed organisational reform,¹⁵ rendering such efforts difficult and oftentimes less than optimal. As the U.S. insisted on expanding

¹² Afsah and Guhr, 377.

¹³ Cramer and Goodhand.

¹⁴ Jonathan Monten, "Intervention and State-Building: Comparative Lessons from Japan, Iraq, and Afghanistan," *The Annals of the American Academy of Political and Social Science* 656, no. 1 (2014): 173–91.

¹⁵ Ebrahim Afsah, "Dysfunctional Resilience in the Afghan Civil Service," in *South Asia*, eds. Tarun Khaitan and Swati Jhaveri (Oxford: Hart, 2022).

both the scope and strength of the Afghan state,¹⁶ it created institutions which lacked the resources to fulfil these self-set goals of centralised governance, instead entering conflicts with localised forms of rule.¹⁷ Barfield argues that these institutions focussed on procedural legitimacy, while forgoing output-legitimacy and failing to provide services.¹⁸

This situation created the contrasting aspects of the new Afghan state and shaped state-society relations in the following regime. A central government bent on maintaining process and centralised power, juxtaposed by institutions rooted in decentralised capacities. Regions which desired a direct choice on how they were governed, and an international community which feared such regional autonomy signalled disorder, strengthening warlords¹⁹ while committing to democratic processes including participation.²⁰ These contradictions, fostered by complex interests of international actors and Afghan elites alike, created shifting frameworks for state-society relations more favourable to patrimonialism than to democracy.²¹

State-Society Relations During the Intervention

The new state which emerged following the Bonn Agreement had a clear vision on state-society relations: Centralised institutions both accountable and responsive to the populace, with venues of participation in the political process and local decision-making.²² The Interim Authority headed by Karzai was to be replaced by an Emergency Loya Jirga, which

¹⁶ Monten.

¹⁷ Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010).

¹⁸ *Ibid.*, 302.

¹⁹ *Ibid.*, 303.

²⁰ Hamish Nixon and Richard Ponzio, "Building Democracy in Afghanistan: The Statebuilding Agenda and International Engagement," *International Peacekeeping* 14, no. 1 (2007): 26–40.

²¹ Noah Coburn and Anna Larson, *Derailing Democracy in Afghanistan* (New York: Columbia University Press, 2013); William Maley, "Statebuilding in Afghanistan: Challenges and Pathologies," *Central Asian Survey* 32, no. 3 (2013): 255–270.

²² Nixon and Ponzio.

was to choose the head of state, determine the structure of the Transitional Authority, and approve the personnel of a transitional government until elections could be held.²³ These elections indeed took place in 2004, with a majority confirming Karzai as president and turnout estimated at a record of 70 per cent.²⁴ Yet the polls were already riddled with accusations of fraud and irregularities,²⁵ problems which would later discredit future elections in Afghanistan. Furthermore, they manifested the importance of local strongmen who were capable of mobilising their own networks during elections, granting electoral success to those who could best mediate between these stakeholders.²⁶

The elections in 2004 already failed to promote an institutionalisation of politics. Faced with major deviations from the new constitutional and political rules in Afghanistan, the international community did not consistently apply pressure to uphold the sanctity of process as Smith laments, thus enabling an ad hoc incentive structure rather than durable political institutions.²⁷ State-society relations would thus remain clientelist rather than characterised by the accountability of the state. This situation was directly opposite to the proclaimed goals of the intervention, which sought to strengthen civil society and embolden non-state actors, yet produced an election which reflected power balance among elites more than popular will in a conventional sense.

At the same time, the intervention itself provided an international arena for interest articulation. International actors would pursue active policies and provide services, and frequently became involved in national as well as local politics. As such, they constituted major actors who

²³ Afsah and Guhr, 420.

²⁴ Scott Seward Smith, "The 2004 Presidential Elections in Afghanistan," Afghanistan Analysts Network, 2012.

²⁵ Kenneth Katzman, *Afghanistan: Politics, Elections, and Government Performance* (Darby, PA: DIANE Publishing, 2009), 21; Nils B. Weidmann and Michael Callen, "Violence and Election Fraud: Evidence from Afghanistan," *British Journal of Political Science* 43, no. 1 (2013): 53–75.

²⁶ Susanne Schmeidl, "The Contradictions of Democracy in Afghanistan: Elites, Elections and 'People's Rule' post-2001," *Conflict, Security and Development* 16, no. 6 (2016): 575–594; Antonio Giustozzi and Dominique Orsini, "Centre–Periphery Relations in Afghanistan: Badakhshan between Patrimonialism and Institution-Building," *Central Asian Survey* 28, no. 1 (2009): 1–16.

²⁷ Smith, "The 2004 Presidential Elections in Afghanistan."

were targeted by and addressed grievances by local populations. International actors created some opportunity structures for local actors, but these were limited in Afghanistan.²⁸ After all, they are accountable to constituents “at home” rather than to those in the Afghan context within which they operated. Such accountability disparities distinguish opportunity structures in countries in which international institutions retain their presence from those where they do not. Peaceful protests can be generally considered more successful than violent ones due to their capacity to influence public opinion in their favour.²⁹ But where international actors whose institutions are beholden to public opinions abroad are present, local protests have a harder time influencing policy. Societal actors in Afghanistan would thus rely on a scaling of addressing grievances, as the local authority, the central government, and international actors would provide overlapping, sometimes conflicting structures within which such grievances could be articulated.

These factors—unclear opportunity structures, overlapping authorities, and dependencies—created an environment in which protests were unlikely to prove successful. For example, physical constraints on where protests could take place due to territorial control would limit their growth, reducing their capacity to develop momentum³⁰ or to create alliances beyond their immediate supporters through ad hoc interactions.³¹ Yet they would take place even under relatively adverse conditions. Local protests would sometimes be mobilised by elites to signal strength against the central government, and they would sometimes emerge spontaneously against specific policies. The Zabul Seven protests in 2015, for example, which were caused by the killing of a girl and demanded gender equality, or the “TUTAP protests” in 2016, which mobilised against ethnic discrimination of Hazaras, each

²⁸ Jane Kirkpatrick, “Shaping Social Movements: International Actors in Kosovo and Afghanistan,” University of Lincoln, 2017.

²⁹ Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (New York: Columbia University Press, 2011).

³⁰ Erica Chenoweth and Margherita Belgioioso, “The Physics of Dissent and the Effects of Movement Momentum,” *Nature Human Behaviour* 3 (10): 1088–95. <https://doi.org/10.1038/s41562-019-0665-8>.

³¹ Tareq Sydiq, “Asymmetries of Spatial Contestations: Controlling Protest Spaces and Coalition-Building During the Iranian December 2017 Protests,” *Contention* 8, no. 1 (2020): 49–69.

attracted thousands of Afghans.³² Similarly, activists in 2017 protested perceived marginalisation of Tajiks by the government and its shortcomings in fighting insurgents.³³ And in 2018, the Pashtun Tahafuz Movement (PTM), which fought for a comprehensive peace in Pashtun areas spread temporarily from Pakistan to Afghanistan.³⁴

Such protests would remain relatively small and insulated. Indeed, they rarely spread beyond local protests. They either emerged in the urban centres and were organised within them, not spreading to the countryside, or addressed localised grievances with little immediate interests outside these constituencies. Fragmentation of power created difficulties in mobilising against it, as it also created fragmented grievances and fragmented networks utilised for mobilisation. Furthermore, by the late 2000s, the Taliban insurgency had picked up again, rendering overland travel difficult amid a deteriorating security situation. Increasingly, Afghans would be governed by insulated pockets of authority amid changing areas of control between the central government and Taliban insurgents.

Research on civilian behaviour in conflicts has suggested that they do not act as passive victims to the conflict, but rather influence both rebel and government behaviour through their actions. Barter points out that flight itself can be understood as such a strategy, as well as support for or criticism of armed groups and speaking with armed groups. Often-times, civilians will combine these strategies to influence armed groups.³⁵ In Afghanistan, the large number of civilian actors compared to the armed groups³⁶ as well as the persistence of local authorities compared to

³² Thomas Ruttig, "Power to the People (2): The TUTAP Protests," Afghan Analysts Network, 2016. <http://www.afghanistan-analysts.org/wp-content/uploads/wp-post-to-pdf-cache/1/power-to-the-people-2-the-tutap-protests.pdf>.

³³ Srinjoy Bose, Nematullah Bizhan, and Niamatullah Ibrahim, *Youth Protest Movements in Afghanistan* (United States Institute of Peace, 2019).

³⁴ Wali Aslam and Alex Neads, "Renegotiating Societal-Military Relations in Pakistan: The Case of the Pashtun Tahafuz Movement," *Democratization* 28, no. 2 (2021): 265–284.

³⁵ Shane Joseph Barter, "Unarmed Forces: Civilian Strategy in Violent Conflicts," *Peace and Change* 37, no. 4 (2012): 544–571. <https://doi.org/10.1111/j.1468-0130.2012.00770.x>.

³⁶ By 2017, the Taliban force was estimated as more than 200,000, including 60,000 full-time mobile units and 150,000 local militias. Due to their leave system, their full-time fighting force inside Afghanistan rarely exceeded 40,000 (Antonio Giustozzi, "Afghanistan: Taliban's Organization and Structure," *Oslo: Land Info*, 2017). Meanwhile, the Afghan state relied on

multiple struggling centralised powers³⁷ indicated their importance for the war: Both the government and insurgents relied on civilian support to gain and maintain control. And with security a major demand of the population,³⁸ civilians could either influence armed groups to provide it, albeit at the risk of being targeted for the support of one side,³⁹ or they could strengthen their own resilience and bargaining power.

Civilians can act, can use their voices against and support for armed actors as strategic choices.⁴⁰ While such actions expose civilians to violence and retributions, they also provide some leverage, as rebels will be forced to accommodate their interests lest they face a competitor who better represents these communities. Civilians can, furthermore, target both state and rebel institutions, especially where armed clashes between them are present, as high-intensity battles create grievances and opportunity structures.⁴¹ While the protracted war and the present political orders lacked incentives for participation, the competition between two political and military orders also created some leverage for civilians to influence armed actors. The importance of military success and political control forced armed actors to compete in service provision in addition to competing militarily.

up to 352,000 fighters (Dobbins et al., “DDR in Afghanistan: Disarming, Demobilizing, and Reintegrating Afghan Combatants in Accordance with a Peace Agreement,” RAND Corporation [2020], <https://www.rand.org/pubs/perspectives/PE343.html>), although this number was likely inflated. Neither force is sizable enough to control and police a population of 38 million without a degree of legitimacy and cooperation.

³⁷ Conrad Schetter, “The Dilemma of Reconstruction in Afghanistan: International Intervention between the State, Civil Society and Traditional Elites,” Publication Series on Promoting Democracy under Conditions of State Fragility, no. 1 (2006): 9–22.

³⁸ Giustozzi, “Respectable Warlords?” 4.

³⁹ Kentaro Hirose, Kosuke Imai, and Jason Lyall, “Can Civilian Attitudes Predict Insurgent Violence? Ideology and Insurgent Tactical Choice in Civil War,” *Journal of Peace Research* 54, no. 1 (2017): 47–63; Sanaullah, “Civilians’ Survival Strategies during the Taliban’s Insurgency (2007–9), Pakistan: A Look at the Consequences,” *Small Wars and Insurgencies* 32, no. 1 (January 2, 2021): 26–52. <https://doi.org/10.1080/09592318.2020.1840892>.

⁴⁰ Barter.

⁴¹ Johannes Vüllers and Roman Krtsch, “Raise Your Voices! Civilian Protest in Civil Wars,” *Political Geography* 80 (2020): 102,183. <https://doi.org/10.1016/j.polgeo.2020.102183>.

Taliban Governance Before and After the Intervention

The Taliban acted in multiple capacities in Afghanistan—as insurgents during their initial campaign from the Madrassas in Pakistan to Kabul in the 90s, as a government following the capture of Kabul in 1996 until 2001, as small-scale insurgents in the immediate aftermath of the international intervention, as rebels controlling relatively continuous areas during the later stages of the intervention, and finally as a government again since the Fall of Kabul in 2021. They had to engage civilians in varying degrees throughout this time.

The current regime is not new in that sense. Already during their first regime, the Taliban claimed to try to recreate a centralised Afghan state rather than abolishing it.⁴² This claim came as no surprise—having started as a largely self-sustained movement, they found themselves in control of a large nation with dire infrastructural needs. Having captured Kabul in 1996, the Taliban thus needed to transform from a movement, rooted in military conflict, to a ruling government.⁴³ Yet, this proved difficult, as the war persisted—the Northern Alliance continued challenging Taliban rule. As such, the Taliban never fully developed a mode of government under peaceful conditions, rather maintaining control in a society still at war. Still, their first regime saw a streamlining of decision-making processes and professionalisation of their bureaucracy, for “even the Taliban have found that controlling a territory without a clear administrative system is not possible in contemporary times”.⁴⁴

This first Emirate had to operate as a state without much of the previous state left in place. Some progress had been made in reconstruction during the early 1990s,⁴⁵ and many bureaucrats had persisted by continuing operations for local power brokers despite a failing central

⁴² Nasreen Ghufra, “The Taliban and the Civil War Entanglement in Afghanistan,” *Asian Survey* 41, no. 3 (2001): 462–487.

⁴³ Ibid.

⁴⁴ Ibid., 473–474.

⁴⁵ Peter Marsden, “Afghanistan: The Reconstruction Process,” *International Affairs* 79, no. 1 (2003): 91–105.

state.⁴⁶ Yet, the Taliban's own policies undermined their attempt to rule over millions of people. When they banned women's employment, they also significantly reduced an already sparse civil servant workforce after decades of war and years of state failure. Prior to the Taliban takeover, women constituted a large part of this workforce—half of civil servants as a whole, 40 per cent of physicians, and 70 per cent of teachers.⁴⁷ Removing women from the civil service significantly damaged the Taliban's capacity to govern, but left their military capacity largely in place: "While abandoning many of the other core functions of the nation state such as welfare and representation, the Taliban maintained effective security and military capabilities. This relative order and security can be argued to have represented a state-building project that at least partly reversed Afghanistan's collapse".⁴⁸

These reduced state services emboldened civilian resistance to the first Taliban regime. While the relative security brought by the Taliban compared to the Mujaheddin was a case for hope, the ban on employment and education for women as well as the greatly reduced capacity to provide key state functions spurred resistance and criticism.⁴⁹ Women's activism during this time included not only clandestine activities, such as the establishment of illegal schools for women and vocational training, but also direct challenges to the Taliban, such as the 3000 women gathering on top of the hills around Kabul to raise their demands.⁵⁰

These experiences certainly shaped Taliban perceptions about statehood and engagement with civilian actors following their fall from power in 2001. Particularly after 2014, the Taliban introduced a new civilian structure around the military chain of command in order to be able to maintain significant territory.⁵¹ In a reportage from the Taliban-held territories in early 2021, journalists observed leniency regarding social

⁴⁶ Giustozzi, "Respectable Warlords?"

⁴⁷ Maliha Zulfacar, "The Pendulum of Gender Politics in Afghanistan," *Central Asian Survey* 25, no. 1–2 (2006): 27–59.

⁴⁸ Cramer and Goodhand, 897.

⁴⁹ Elaheh Rostami Povey, "Women in Afghanistan: Passive Victims of the Borge or Active Social Participants?" *Development in Practice* 13, no. 2 (2003); Zulfacar.

⁵⁰ Povey.

⁵¹ Ashley Jackson and Rahmatullah Amiri, *Insurgent Bureaucracy: How the Taliban Makes Policy* (United States Institute of Peace, 2019), 9.

restrictions, with music, hookahs, and internet usage being tolerated. Crucially, Talibs working out of government buildings would run a 20-bed hospital and provide protection to health workers in town.⁵² These observations fit into studies that suggest that the Taliban reversed earlier policies which denied education and health services in particular, instead focussing on governance and oftentimes allowing civil servants employed by the central state to continue working as long as they did not militarily challenge Taliban rule.⁵³ This is a remarkable feature, as the Taliban would struggle with cohesion, while control over areas was fleeting and fluctuating only two years prior, with variations on the ground being significant despite attempts to unify political structures.⁵⁴

Van Baalen conceptualises rebel responsiveness through four domains of governance: Civilian involvement in decisions on local governance, establishment of security institutions such as a police force, extraction of rents from civilian populations, and the provision of services like health care and education. Since he assumes that civilians prefer being included in local decision-making, having security rather than repression, taxation to be fair and accountable, and to receive services, high rebel responsiveness is characterised by the presence of these factors and low rebel responsiveness by the lack thereof.⁵⁵ Applying this framework to the Taliban, their rule was characterised by a medium degree of responsiveness. While there were signs of inclusion of local stakeholders in local decision-making, provision of security, taxation agreements, and improved services compared to their first rule, they have also been clear on not embracing electoral or mass participation, have built up their repressive capacity, and have relied on (external) state institutions in service provision.

⁵² Fazlaminallah Qazizai, "After America: Inside the Taliban's New Emirate," *New Lines Magazine*, 14 April 2021, <https://newlinesmag.com/reportage/after-america-inside-the-talibans-new-emirate/>.

⁵³ Scott S. Smith, "Service Delivery in Taliban-Influenced Areas of Afghanistan," United States Institute of Peace, 30 April 2020, <https://www.usip.org/publications/2020/04/service-delivery-taliban-influenced-areas-afghanistan>.

⁵⁴ Jackson and Amiri.

⁵⁵ Sebastian van Baalen, "Guns and Governance: Local Elites and Rebel Governance in Côte d'Ivoire," Department of Peace and Conflict Research, Uppsala University (2020), 17.

As Arjona argues, rebel governance, like all governance, creates civilian resistance. Partial resistance against specific policies happens everywhere, but full resistance against rebel rule depends on civilian institutional strength and the scope of rebel intervention. This is due to armed groups' strategic needs and civilian preferences.⁵⁶ With local social structures still influential in Afghanistan, and some highly organised forms of activism having developed over the last decades, some civilian institutions capable of resisting and pressuring Taliban rule exist.

And their demands account for much of the shift in Taliban governance: "Whereas state education was initially banned (although practices varied), it is now encouraged, coopted, and heavily regulated. This shift was pragmatic: most civilians wanted schools and Taliban attacks on them were deeply objectionable. It required both the approval of religious figures and Islamic justification."⁵⁷ These pragmatic decisions paid off militarily on 2021, when local elders would intervene and brokered agreements with the Taliban.⁵⁸ Similarly, it laid the grounds for alliances with their former enemies from the Northern Alliance, as they secured business deals and truces with Jami'at-i Islami factions allowing them to make gains on the central government.⁵⁹ By performing functions of the state and not interfering with them, while exploiting disagreements within the ruling coalition of elites, the Taliban managed to set themselves up as a government in waiting with credibility in ruling the country.

Taliban capacity to govern was not only showcased in allowing state operations to continue. Their agreement brokered by local elders in Lezha Magnal, for example, covered political issues as well as dispute resolution, with the Taliban allowing such resolution through jirgas

⁵⁶ Ana Arjona, *Civilian Resistance to Rebel Governance*, vol. 1. Cambridge: Cambridge University Press, 2015.

⁵⁷ Jackson and Amiri, 4.

⁵⁸ Thomas Ruttig and Asadullah Sadat, "The Domino Effect in Paktia and the Fall of Zurmat: A Case Study of the Taleban Surrounding Afghan Cities," Afghanistan Analysts Network, 14 August 2021.

⁵⁹ Antonio Giustozzi, "Alliances Were Key to the Taliban Takeover of Afghanistan," Newlines Institute, 9 September 2021. <https://newlinesinstitute.org/afghanistan/alliances-were-key-to-the-taliban-takeover-of-afghanistan/>.

and tribal elders, only acting as a last resort themselves.⁶⁰ This relative leniency for those covered by such agreements is contrasted by the intimidation and violence faced by those who opposed Taliban rule. Their flexible, complex negotiation and growing civilian capacity allowed them increasing influence over the countryside, with large swaths of rural Afghanistan under Taliban control from 2018 on.⁶¹

Remarkably, the Taliban's structure evolved to share control over positions and policies among multiple actors, thus diffusing power and avoiding conflict among local strongmen within their ranks.⁶² Furthermore, the Taliban established a complaints delegation in 2011 which travelled to areas inside Afghanistan and registered complaints against local Talibs, with delegates not allowed to serve in their provinces of origin to guard against partiality. Civilian evaluations were mixed, with initial optimism giving way to wariness that complainants would face retribution or would not have their complaints addressed.⁶³ These developments show the limitations of Taliban attempts at improving their governance. Lack of control over their own fighters and conflicts with civilians who are not staunchly pro-Taliban undermine such approaches to responsive governance. Crucially, while the Republic still existed, it could be enough for the Taliban to be more responsive compared to the central government; without this benchmark, however, their efforts will likely face more scrutiny.

Changing Opportunities for Social Movements After August 2021

Taliban responsiveness was rooted in the necessity of civilian support to sustain a rebel movement and direct competition with the Republic, yet these conditions changed upon the Taliban takeover. As Taliban governance changes towards a centralised civilian governance, its leaders are

⁶⁰ Rutig and Sadat.

⁶¹ Jackson and Amiri, 10.

⁶² Ibid., 14.

⁶³ Ibid., 31–32.

likely to follow an authoritarian trajectory in shaping state-society relations. For protest movements, this creates a window of opportunity in which societal organisation is relatively high, state structures more unified than during the war, and repressive capacity still low. Yet the lack of incentives to sustain responsive governance will likely result in closing political spaces when Taliban authorities sense they have established stronger control over society. Concessions that protest movements can achieve throughout this transition period will play a major role in shaping what is yet to come.

The Taliban seeking a degree of responsiveness in their governance seems to be mostly driven by pragmatic factors rather than an ideological embrace of participatory politics. Rebels are more likely to govern when they depend on civilians for resources rather than lootable resources, and if they believe that investments in governance can help them outbid their competitors.⁶⁴ Both of these incentives applied to an insurgent Taliban, who required shelter, food, and recruits from locals and who engaged in a competition with the state over who would be a more reliable ally and service provider. By focusing on their capacity to broker deals and resolve disputes, they acted similar to the 1990s when their promise of ending Mujaheddin disarray made Taliban rule seem more palatable to many Afghans. Yet these conditions of rebel responsiveness shifted following their takeover in August 2021, providing insights into how they might govern in the future.

When the Taliban took over Kabul on August 15, they seemed as surprised as everyone else by the speed of their success, not prepared to take control of the capital.⁶⁵ With their troops spread out throughout the country and quickly seizing territory, control over Kabul was left to the few troops who reached it and to sleeper cells positioned in the city prior to the campaign. When they were faced with protests against the Taliban flag on Independence Day only four days later, or with women's protests in the following weeks, they lacked the capacity to prevent protests through coercion alone, possibly explaining vague

⁶⁴ Van Baalen, 11.

⁶⁵ Matthieu Aikins, "Inside the Fall of Kabul: An On-the-Ground Account," *The New York Times*, 10 December 2021, <https://www.nytimes.com/2021/12/10/magazine/fall-of-kabul-afghanistan.html>.

commitments to not persecute continued usage of the old Tricolore flag and to allow girl's education beyond the 6th grade. Yet, as they consolidated power, their response to protests turned increasingly violent,⁶⁶ as they banned protests that had not received their prior approval. Similarly, the initial amnesty which allowed them to quickly gain control over vast territories has given way to what Human Rights Watch described as raids resulting in summary executions and forcible disappearances of former police and intelligence officers. And promises made about inclusive governance, girl's education and tolerance of the Tricolore flag ring hollow following a government consisting almost exclusively of Taliban members,⁶⁷ an ongoing ban on girl's education beyond the 6th grade which has been formalised,⁶⁸ and increased normalisation of the Taliban flag.⁶⁹

The Taliban government is thus increasingly following the trajectory of civilian autocratic governments. As they gain confidence in dealing with protest movements and dissidence, they seem more willing to risk angering populations in order to appease internal factions.⁷⁰ Yet, where they face coordinated non-violent resistance, that calculus can change, resulting for example in the opening of girls' schools in Herat province while they remained closed nationally. A concerted effort by parents, students, and teachers managed to create a tacit agreement for their reopening.⁷¹ Such negotiations can appeal to autocratic leaders: they make localised concessions in order to avoid major upheavals. Autocrats seek substitutions for coercion in order to address social

⁶⁶ "Taliban Response to Protests Increasingly Violent, Warns OHCHR." United Nations News, 10 September 2021, <https://news.un.org/en/story/2021/09/1099552>.

⁶⁷ Aikin.

⁶⁸ Karen DeYoung, "International Donors Face Tough Choices as Taliban Renege on Promises," *The Washington Post*, 31 March 2022. <https://www.washingtonpost.com/national-security/2022/03/31/afghanistan-aid-taliban-girls-education/>.

⁶⁹ "Taliban Hoist Giant Flag in Afghan Capital, Eight Months After Return," *France24*, 31 March 2022, <https://www.france24.com/en/live-news/20220331-taliban-hoist-giant-flag-in-afghan-capital-eight-months-after-return>.

⁷⁰ "Girls' Education Ban Reveals Deep Rifts within Taliban," *France24*, 22 April 2022, <https://www.france24.com/en/live-news/20220415-girls-education-ban-reveals-deep-rifts-within-taliban>.

⁷¹ Lee Keath, "Unique Effort Reopens Girls' Schools in an Afghan Province," APNews, 1 December 2021, <https://apnews.com/article/afghanistan-business-education-taliban-81e3ce789fec123ba22271cb49a3bbf1>.

problems and regime challenges with a broader and less costly set of options.⁷² Similar substitutions are present in the shape of pro-Taliban women's protests which have been organised in recent months to highlight a female support base of the movement, complementing an already professionalised propaganda effort.⁷³

Whether the Taliban will retain degrees of responsivity in their new state will depend on how quickly they can extend their hold over society, expanding their capacity to steer non-violent political processes, and what kinds of resistance to their rule emerges. Many of the conditions of their responsiveness no longer exist, as they do not have to rely on civilian support to sustain a prolonged armed insurgency, but rather have the resources of a centralised government at their disposal, which they may use to extend their hold over society and to appease internal factions. Yet, the conclusion of the conflict between the Republic and the Emirate presents a new political environment in which the main ruling polity is less fragmented and civilian mobilisation more targeted vis-à-vis Taliban authorities. Where there are no other competing institutions and no international arenas of political conflict, the sole target for civilian demands and grievances will be the new Taliban rulers, creating a hardly predictable dynamic for future mobilisation.

At the same time, the Taliban are facing a military competitor in Islamic State Khorasan Province (ISKP) which is pressuring the Emirate both militarily, by draining resources, and politically, by providing an alternative authority which tries to recruit Taliban defectors.⁷⁴ While their influence is limited at present, and they did not control significant amounts of territory in 2021, recent terror attacks expose how little the Taliban can provide security, undermining their legitimacy as promises of security and an end to the war were key promises of their

⁷² Christian Göbel, "Authoritarian Consolidation," *European Political Science* 10, no. 2 (2011): 176–90. <https://doi.org/10.1057/eps.2010.47>.

⁷³ "Veiled Protest: Afghan Women Rally in Support of the Taliban," *France24*, 11 September 2021, <https://www.france24.com/en/live-news/20210911-veiled-protest-afghan-women-rally-in-support-of-the-taliban>.

⁷⁴ Mujtaba Haris and Ali M. Latifi, "Taliban Takes on ISKP, Its Most Serious Foe in Afghanistan," *Al Jazeera*, 27 September 2021, <https://www.aljazeera.com/news/2021/9/27/afghanistan-taliban-promises-to-eradicate-groups-seeking-chaos>.

movement.⁷⁵ Coupled with a Taliban crackdown on internal opponents and persisting grievances due to massive human rights violations by the Taliban in the past, their support among civilians is unlikely to expand. They are rather likely to face blame for the massive economic crisis following their takeover and failures to combat poverty, health problems, and infrastructural mismanagement.

While the Emirate is consolidating its power amid major economic and social crises, fighting military threats as well as repressing dissidents, it is likely to overstretch its capacity. Until it can build the kind of social, political, and infrastructural capacity necessary to pursue its multiple goals simultaneously, protesters can hope to reach compromises and gain concessions. This early period of the Emirate, which is switching from an insurgency to a centralised government, thus presents a window of opportunity for protesters who can potentially galvanise disillusionment with the government into civilian movements against Taliban policies. And considering the continuing strength of social organisations compared to state institutions in Afghanistan, outright repression of such efforts would require considerable capacity which the Taliban do not currently possess. Rather, they will likely follow the trajectory of other authoritarian governments,⁷⁶ repressing nationwide challenges to their rule while tolerating,⁷⁷ co-opting,⁷⁸ or compromising with localised expressions of grievances. Relationships with local authorities are likely to play a major role in determining which relationship emerges.⁷⁹ As long as the Emirate cannot consolidate the kind of control over society to either appease or fully repress protesters, it is likely that protests like the nationwide flag protests in 2021 and the ongoing women's protests will

⁷⁵ Ellen Ioanes, "As Attacks on Afghan Minorities Ramp Up, the Taliban Clearly Fails to Keep Its Promises," *Vox*, 23 April 2022, <https://www.vox.com/2022/4/23/23038561/afghanistan-terror-attacks-targeted-afghan-minorities>.

⁷⁶ Chantal E. Berman, "Policing the Organizational Threat in Morocco: Protest and Public Violence in Liberal Autocracies," *American Journal of Political Science* 65, no. 3 (2021): 733–754.

⁷⁷ Mohammad J. Abbasi-Shavazi et al., "Second-Generation Afghans in Iran: Integration, Identity and Return," Afghanistan Research and Evaluation Unit Kabul (2008).

⁷⁸ Emanuela Dalmasso, "Participation Without Representation: Moroccans Abroad at a Time of Unstable Authoritarian Rule," *Globalizations* 15, no. 2 (2017): 198–214.

⁷⁹ Lily L. Tsai, Yiqing Xu, "Outspoken Insiders: Political Connections and Citizen Participation in Authoritarian China," *Political Behavior* 40, no. 3 (2018): 629–657.

either persist or transcend into future contentious topics as they become salient. Signalling strength of such movements during the consolidation period of the new government will shape Taliban perceptions of how much they need to take civilian grievances into account for their mode of governance.

Conclusion

In this paper, I have argued that the success of the Taliban is not explained by an implosion of state structures or a military defeat, but rather by the effectiveness and continuity of state institutions under a newly pragmatic Taliban regime. Rather than fight and undermine the state's institutions, the Taliban supplanted and incorporated them into their modes of governance in areas which they controlled and are continuing to do so in their second rule over the country.

The conflict between the Republic and the Emirate was in a sense not only a military competition between an army and insurgents, but rather a competition between two military-political systems which utilized civilian participation for local legitimacy and negotiated with powerbrokers for influence. In this political arena, the Taliban made major grounds following internal reforms in the 2010s which addressed modes of governance as well as mechanisms for responsiveness in their decision-making. As a result, they are now in control over a large area of territory and in charge of a civilian population of 38 million, with their own full-time military units merely in the tens of thousands.⁸⁰ In order to rule, they will need to build on these political institutions in order to maintain civilian authority beyond their immediate military might.

As the Taliban seek to expand their repressive capacity by building a national army and police force, they are faced with demands to respond to socio-economic and political grievances, provide security, and control the country while being simultaneously challenged militarily by ISKP. How effectively they respond to these issues will largely determine their

⁸⁰ Giustozzi, "Afghanistan: Taliban's Organization and Structure."

future. As heads of largely centralised state institutions, they are furthermore now the sole authority to be blamed for institutional failures and thus have no choice but to respond to civilian demands and grievances.

This arrangement leaves the Taliban with little personnel for the kind of advanced repression oftentimes used by autocratic governments to control large numbers of people and to prevent mass protests. There is a strategic vantage for protesters in this fact; they might be able to exploit this temporary weakness by gaining political concessions for their acquiescence to Taliban rule while articulating specific policy preferences within this Emirate. Policy preferences can furthermore be shaped by a growing diaspora⁸¹ following the mass exodus of Afghans after the Taliban takeover. Civilian mobilisations might, however, also provoke disproportionate and violent responses by an overwhelmed and understaffed security force determined to stay in power this time. With Afghan protesters organised and galvanised after the last 20 years and the rapid collapse of the previous government, either scenario seems possible at this point.

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⁸¹ Thorsten Bonacker and Tareq Sydiq, "The International and the Construction of Opposition in Iran," *Re-configurations* (2020): 65–81, https://link.springer.com/chapter/10.1007/978-3-658-31160-5_5.

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Prosecuting Rebels in International Criminal Justice

Shannon Maree Torrens

Introduction

Overview

This chapter focuses on the prosecution of rebels in international criminal justice through modern international criminal courts and tribunals (ICTs). In doing so, this analysis provides both the fields of rebel studies and international justice with a better understanding of how the individuals who are prosecuted for serious crimes at the highest levels are categorised, as well as how those who are rebels are prosecuted in terms of process. This examination also assists in understanding the courts and

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governance frameworks that seek to prosecute these individuals so that their underlying motivations and intentions can be understood.¹

While the scholarship in international criminal justice and international law more generally has focused on related questions of power,² politics,³ and inequalities in prosecutions,⁴ discussions about the role of rebels and rebel governance in relation to international criminal trials through these specific terms and their associated connotations is underexplored. This chapter therefore provides both a unique theoretical and practical analysis of the prosecution of rebels in international justice, in seeking to develop this area of study. In doing so, this chapter utilises the case studies of the Islamic State (ISIS) in Syria and Hizbullah in Lebanon. This chapter explores what is being done to respond to the crimes of these groups, followed by a discussion of what could potentially be done going forward.

As the intersection of rebels and rebel governance with the field of international criminal law (ICL) is underexamined, this chapter serves to better understand the motivations behind and value of international prosecutions, particularly when they focus on individuals who could be categorised as rebels, namely those in opposition to an established state authority. International criminal justice aspires to hold individuals who commit mass atrocities to account in an international forum, yet *who* is held to account in these settings is just as important as *how*, particularly when those accused and prosecuted tend to fall into a similar category of rebel leader or are associated with a rebel group. This chapter therefore discusses whether the identification of individuals who are

¹ See Shannon Maree Torrens, "The Politics of International Criminal Justice: Hegemony and Humanity at the International Criminal Tribunal for the former Yugoslavia," in *The Politics of International Criminal Law*, eds. Holly Cullen, Philipp Kastner and Sean Richmond (Leiden: Brill, 2020).

² Anthea Roberts, *Is International Law International?* (Oxford: Oxford University Press, 2017).

³ Holly Cullen, Philipp Kastner and Sean Richmond, eds., *The Politics of International Criminal Law* (Leiden: Brill, 2020); Martti Koskeniemi, "The Politics of International Law," *European Journal of International Law* 1, no. 4 (1990): 4–32.

⁴ Colleen Rohan and Gentian Zyberi, eds., *Defense Perspectives on International Criminal Justice* (Cambridge: Cambridge University Press, 2017); Antony Anghie, *Imperialism, Sovereignty and the Making of International law* (Cambridge: Cambridge University Press, 2005).

prosecuted at the international level as rebels contributes to accusations that international criminal justice is selective in its prosecutions.

This analysis is therefore important to international justice in examining the subjects of its interest and those it prosecutes. This chapter seeks not only to understand the interaction of rebels with international criminal justice, but also to assess them as an unofficial subject of international law. This is done by reviewing their interaction with international criminal justice mechanisms while recognising the value of such a study to the democratic application of ICL.

Better understanding the subjects of international justice also assists in ensuring that international criminal tribunals (ICTs) are more able to respond to mass atrocities democratically, rather than focusing on specific categories of individuals, even if it is done so unofficially. It also assists in identifying why certain individuals and groups are prosecuted, while others are not. Examining the subjects of this field facilitates change and improvement in a much more comprehensive way than merely reviewing the tribunals themselves without considering specifically the people that they prosecute. Going forward, a constructive way to approach the intersection between rebels and ICL is to identify the ways in which the field can be improved and reformed through reviewing its connection to rebels and rebel groups.

Defining Rebels and ICL

The Cambridge Dictionary defines a “rebel” as “a person who does not like rules or authority and shows this by behaving differently from most people in society”.⁵ A rebel can also be defined as “a person who is opposed to the political system in their country and tried to change it using force”.⁶ Following on from this definition, in a practical sense, rebel groups act collectively, normally through force, in opposition to an established authority or government. In doing so, they generally seek

⁵ “Rebel,” Cambridge Dictionary, accessed 4 March 2022, <https://dictionary.cambridge.org/dictionary/english/rebel>.

⁶ Ibid.

to change a regime or to advocate through violence for people to gain independence.

The word “rebel” inspires notions of something beyond expected behaviour. To be a rebel is to be something outside of the traditional way of being. It is to go against accepted and perhaps more importantly, expected ways of existing in a particular society or country. It means to be and act differently and to want to achieve something that can be distinguished from the status quo. In this way, rebels are as much what they are, as what they are not. Rebels are not established authority.

For the purposes of ICL, rebel groups oppose authority and, in the process, commit international crimes for which they are held accountable at ICTs. ICL does not, however, prosecute rebel groups as a collective. ICL focuses on the prosecution of individuals for international crimes, not groups or states, although these individuals may come from certain groups and states more than others.⁷ ICL recognises that a specific individual ultimately pulls the trigger on a gun and kills another person, or that it is a specific individual who orders another person to commit an international crime, normally resulting in mass casualties.

In international justice, rebels are not specifically prosecuted pursuant to the categorisation of them being a “rebel” as this labelling does not have legal significance when prosecuting international crimes, such as genocide, war crimes or crimes against humanity. The labelling of rebels is, however, a relevant categorisation that can be made pursuant to dictionary and political and social science definitions⁸ and applied to the work of these courts and tribunals to better understand their work. The term rebel is also frequently employed in the media when commenting on international prosecutions. While rebel is not an official category prosecuted in international courts and tribunals, those who can be identified as rebels are frequently prosecuted in these modern ICTs but not officially pursuant to that categorisation.

Rebel leaders and rebel groups are a clearly identifiable unofficial characterisation of individuals who are prosecuted. It is therefore useful to

⁷ “Rome Statute of the International Criminal Court,” adopted 17 July 1998, entered into force 1 July 2002, 2187 UNTS 90 (Rome Statute) art 25.

⁸ See for example Abdalhadi M. Alijla, *Trust in Divided Societies: State, Institutions and Governance in Lebanon, Syria and Palestine* (London: I.B. Tauris, 2020).

identify how these modern ICTs prosecute rebels both through practice and procedure. In this context, when seeking definitions, it is important to recognise that one person's rebel is another person's freedom fighter—as is the common saying. Rebels commit terrible wrongs, including international crimes for which they must be held accountable, but so too do those in power and official authorities, men and women who are not categorised as rebels and are often not held to account to the same extent.⁹

Key Concerns

Examples of Rebel Prosecutions

Rebels and individuals from rebel groups, have been prosecuted throughout the modern history of ICL. While government officials and rebels have both been prosecuted, rebels have been a disproportionate focus of these cases. To name just a selection of examples, at the ICC, a number of rebels from Africa have been the subject of trials.¹⁰ For instance, Congolese rebel leader Thomas Lubanga Dyilo was the first person to be convicted by the ICC.¹¹ Also at the ICC, Congolese rebel leaders Jean-Pierre Bemba and Bosco Ntaganda were put on trial.¹² Ugandan rebel commander Dominic Ongwen was convicted at the ICC of war crimes and crimes against humanity committed in Northern

⁹ Owen Bowcott, "Tony Blair Should Be Prosecuted over Iraq War, High Court Hears," *The Guardian*, 6 July 2017, <https://www.theguardian.com/politics/2017/jul/05/tony-blair-should-be-prosecuted-over-iraq-war-high-court-hears>.

¹⁰ "Cases," *International Criminal Court*, accessed 2 March 2022, <https://www.icc-cpi.int/cases>.

¹¹ "Lubanga Case: The Prosecutor v. Thomas Lubanga Dyilo," *International Criminal Court*, accessed 6 March 2022, <https://www.icc-cpi.int/drc/lubanga>.

¹² "Bemba Case: The Prosecutor v. Jean-Pierre Bemba Gombo," *International Criminal Court*, accessed 4 March 2022, <https://www.icc-cpi.int/car/bemba>; "Ntaganda Case—The Prosecutor v. Bosco Ntaganda—ICC-01/04–02/06," *International Criminal Court*, accessed 30 March 2022, <https://www.icc-cpi.int/drc/ntaganda>; "Bosco Ntaganda: ICC Upholds Congolese Rebel Leader's Conviction," *Al Jazeera*, 30 March 2021, <https://www.aljazeera.com/news/2021/3/30/bosco-ntaganda-icc-upholds-congolese-rebel-leaders-conviction>.

Uganda between 2002 and 2005.¹³ Ongwen was a former Ugandan child soldier, who rose to be a commander with the Lord's Resistance Army (LRA), a rebel group founded in 1987 by the infamous rebel leader Joseph Kony, who is the subject of an arrest warrant issued by the ICC,¹⁴ alongside a prominent public campaign to have him arrested.¹⁵

The UN-backed Special Court for Sierra Leone (SCSL) was established by an agreement between the UN and the government of Sierra Leone.¹⁶ This was an internationalised hybrid court created with the intention to prosecute crimes committed during Sierra Leone's civil war.¹⁷ The Court prosecuted the actions of rebel groups, the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC).¹⁸ Another prominent case at the SCSL was the prosecution of former President of Liberia Charles Taylor, who had previously been a rebel leader.¹⁹ Taylor's role in the Sierra Leone civil war spanned rebel leader as well as the cache of a presidential position, which fuelled public commentary of Taylor during his trial, as he was both a leader for those wanting regime change in the form of a "rebel" but also an

¹³ "Ongwen Case—The Prosecutor v. Dominic Ongwen—ICC-02/04–01/15," *International Criminal Court*, accessed 4 March 2022, <https://www.icc-cpi.int/uganda/ongwen>; "Ugandan Rebel Commander Dominic Ongwen Convicted of War Crimes by International Criminal Court," *ABC News Australia*, 5 February 2021, <https://www.abc.net.au/news/2021-02-05/lra-rebel-commander-dominic-ongwen-convicted-of-war-crimes/13123656>.

¹⁴ ABC News Australia, "Ugandan Rebel Commander Dominic Ongwen."

¹⁵ "Kony 2012," *Invisible Children*, accessed 4 March 2022, <https://invisiblechildren.com/kony-2012/>.

¹⁶ "Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone," adopted 16 January 2002, entered into force 12 April 2002, 2178 UNTS 138; Charles C. Jalloh, *The Legal Legacy of the Special Court for Sierra Leone* (Cambridge: Cambridge University Press, 2020); Charles Chernor Jalloh, ed., *The Sierra Leone Special Court and Its Legacy* (Cambridge: Cambridge University Press, 2013).

¹⁷ "Home," *Special Court for Sierra Leone/Residual Special Court for Sierra Leone*, accessed 3 March 2022, <http://www.rscsl.org>.

¹⁸ "The RUF Trial—The Prosecutor vs. Issa Hassan Sessay, Morris Kallon and Augustine Gbao," *Special Court for Sierra Leone/Residual Special Court for Sierra Leone*, accessed 4 March 2022, <http://www.rscsl.org/RUE.html>; "The AFRC Trial—The Prosecutor vs. Alex Tamba Brima, Ibrahim Bazy Kamara and Santigie Borbor Kanu," *Special Court for Sierra Leone/Residual Special Court for Sierra Leone*, accessed 4 March 2022, <http://www.rscsl.org/AFRC.html>.

¹⁹ "The Taylor Trial—The Prosecutor vs. Charles Ghankay Taylor," *Special Court for Sierra Leone/Residual Special Court for Sierra Leone*, accessed 2 March 2022, <http://www.rscsl.org/Taylor.html>.

elected West African leader who was indicted and tried in The Hague in Europe.²⁰

Another hybrid court, the Extraordinary Chambers in the Courts of Cambodia (ECCC),²¹ prosecuted former Khmer Rouge leaders, who were in control of Cambodia but also by definition rebels and in opposition to existing power structures.²² The UN International Criminal Tribunal for Rwanda (ICTR) focused on the prosecution of those responsible for the crimes committed during the 1994 Rwandan Genocide in which approximately 800,000 Tutsi were killed by predominantly Hutu.²³ The Tribunal focused solely on the investigation and prosecution of Hutu, which was the subject of controversy as no Tutsi was prosecuted.²⁴ Both Hutu and Tutsi comprised rebel characteristics.

The Kosovo Specialist Chambers and Specialist Prosecutor's Office was established in The Hague.²⁵ The focus of prosecutions is on crimes allegedly committed by the Kosovo Liberation Army (KLA), an ethnic Albanian militant and rebel group.²⁶ The Kosovo Specialist Chambers is a temporary institution with the jurisdiction to prosecute crimes against humanity, war crimes and other crimes under Kosovo Law committed between 1 January 1998 and 31 December 2000.²⁷ That is in addition to work done by the International Criminal Tribunal for the former

²⁰ See regarding the two roles of Taylor: "Charles Taylor: President of Liberia," *Britannica*, accessed 2 March 2022, <https://www.britannica.com/biography/Charles-Ghankay-Taylor>.

²¹ Simon M. Meisenberg and Ignaz Stegmiller, eds., *The Extraordinary Chambers in the Courts of Cambodia* (The Hague: TMC Asser Press, 2016).

²² "Home," *Extraordinary Chambers in the Courts of Cambodia*, accessed 3 March 2022, <https://www.eccc.gov.kh/en>.

²³ "Home," *United Nations International Residual Mechanism for Tribunals*, accessed 4 March 2022, <https://unictr.irmct.org>; Nicola Palmer, *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda* (Oxford: Oxford University Press, 2015).

²⁴ Christodoulos Kaoutzanis, *The UN Security Council and International Criminal Tribunals: Procedure Matters* (Cham: Springer, 2020), 2.

²⁵ "Home," *Kosovo Specialist Chambers and Specialist Prosecutor's Office*, accessed 2 March 2022, <https://www.scp-ks.org/en>.

²⁶ "Kosovo War Crimes Court to Try KLA Suspects in The Hague," *BBC*, 15 January 2016, <https://www.bbc.com/news/world-europe-35327494>; Lotte Leicht, "Kosovo War Crimes Court Can Promote Justice on All Sides," *Human Rights Watch*, 13 November 2020, <https://www.hrw.org/news/2020/11/13/kosovo-war-crimes-court-can-promote-justice-all-sides>; Peter Finn and Jeffrey Smith, "KLA: Rebels with an Uncommon Cause," *The Washington Post*, 23 April 1999, <https://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/kla042399.htm>.

²⁷ "Home," *Kosovo Specialist Chambers and Specialist Prosecutor's Office*.

Yugoslavia (ICTY),²⁸ which undertook prosecutions of KLA rebels as part of its mandate, alongside the prosecution of other individuals from groups who committed mass atrocities in the Balkans.²⁹

Scholarship

Literature in the field of ICL does not focus on the prosecution of individuals labelled as “rebels” in a theoretical or practical context, as presented in this chapter. There is therefore a deficit in literature in this area, which further contributes to the value of this chapter to international criminal law scholarship in analysing rebels in ICL.

Some literature focuses on rebel groups more generally but not with a focus on them being “rebels” in the same terms as this chapter. For example, Joseph Otieno Wasonga has written about the ICC and the Lord’s Resistance Army.³⁰ In so doing, he discusses the complexities of transitional justice and competing political and punitive considerations in interacting with those who have committed international crimes.³¹ Jo Hyeran writes on rebel groups and international law in world politics.³² In the process, he discusses the interaction of rebel groups with international law and instances in which they comply with international law in seeking legitimacy in the eyes of domestic and international audiences.³³

²⁸ Alexander Zahar, Göran Sluiter and Bert Swart, eds., *The Legacy of the International Criminal Tribunal for the former Yugoslavia* (Oxford: Oxford University Press, 2011); “The Tribunal’s Appeals Chamber today upheld the Trial Chamber judgement in the case against former Kosovo Liberation Army (KLA) members Fatmir Limaj, Isak Musliu and Haradin Bala,” *United Nations International Criminal Tribunal for the former Yugoslavia*, Press Release, 27 September 2007, <https://www.icty.org/en/press/tribunals-appeals-chamber-today-upheld-trial-chamber-judgement-case-against-former-kosovo>.

²⁹ “Home,” *United Nations International Criminal Tribunal for the former Yugoslavia*, accessed 5 March 2022, <https://www.icty.org>; “Home,” *United Nations International Residual Mechanism for Tribunals*, accessed 1 March 2022, <https://unictr.irmct.org>.

³⁰ Joseph Otieno Wasonga, *The International Criminal Court and the Lord’s Resistance Army: Enduring Dilemmas of Transitional Justice* (London: Routledge, 2019).

³¹ *Ibid.*

³² Jo Hyeran, *Compliant Rebels: Rebel Groups and International Law in World Politics* (Cambridge: Cambridge University Press, 2015).

³³ *Ibid.*

There is literature on the interaction between non-state actors and ICL more generally. For example, Tilman Rodenhäuser writes on non-state armed groups under international humanitarian law, human rights law, and international criminal law.³⁴ Rodenhäuser notes that the number of non-state actors not being held accountable for international crimes and human rights is increasing. This is due to their fragmented nature and transnational organisation. Others have written and compiled edited books focused on the responsibilities of non-state actors in armed conflict under international humanitarian law more generally.³⁵ An edited book authored by Heffes, Kotlik, and Ventura draws together contributions that illustrate the application of international law beyond the nation state to non-state actors. Liesbeth Zegveld also writes on the accountability of armed opposition groups in international law drawing on international humanitarian law, international criminal law, and international human rights law.³⁶ William Schabas has argued that the ICC focuses on non-state actors, rather than state actors,³⁷ an argument which has also been made by Frédéric Mégret.³⁸

Other scholars discuss topics relating to rebels and justice but not specifically in relation to international criminal justice, as is undertaken in this chapter. For example, René Provost discusses the administration of justice by armed insurgents.³⁹ This work touches on similar themes of rebels and justice, but with a differing aim to this chapter. Provost's research focuses on fieldwork conducted into courts established by non-state armed groups. This research is distinct from this chapter, which

³⁴ Tilman Rodenhäuser, *Organising Rebellion, Non-State Armed Groups under International Humanitarian Law, Human Rights Law and International Criminal Law* (Oxford: Oxford University Press, 2018).

³⁵ Ezequiel Heffes, Marcos D. Kotlik and Manuel J. Ventura, eds., *International Humanitarian Law and Non-State Actors* (The Hague: TMC Asser Press, 2020).

³⁶ Liesbeth Zegveld, *The Accountability of Armed Opposition Groups in International Law* (Cambridge: Cambridge University Press, 2002).

³⁷ William A. Schabas, "Punishment of Non-State Actors in Non-International Armed Conflict," *Fordham International Law Journal* 26, no. 4 (2002).

³⁸ Frédéric Mégret, "Is the ICC Focusing Too Much on Non-State Actors?" in *Arcs of Global Justice: Essays in Honor of William A. Schabas*, eds., Diane Marie Amann and Margaret de Guzman eds (Oxford: Oxford University Press, 2018).

³⁹ René Provost, *Rebel Courts: The Administration of Justice by Armed Insurgents* (Oxford: Oxford University Press, 2021).

focuses on international prosecutions while acknowledging domestic options for prosecution are important in the overall justice response.

Similarly, Frank Ledwidge examines insurgents, courts, and justice in modern conflict.⁴⁰ He discusses how successful rebels prioritise the establishment of courts and justice to contribute to their legitimacy.⁴¹ In doing so, he focuses on case studies, including the Irish Republican Army (IRA) and Ireland in the 1920s, the Islamic State in Algeria via the National Liberation Army (ALN) in the 1950s and 60s, and the Afghan Taliban more recently. Ledwidge argues that these groups can create courts to take legitimacy from governments and that these courts can be used as weapons by both sides of a conflict.⁴²

This chapter therefore provides a unique contribution because it focuses on rebels as a category of individuals who are prosecuted at the individual level through the specific phrasing of “rebel,” including its associated connotations. While the literature does focus on issues such as power and the selectivity of international criminal prosecutions and the prosecution of non-state actors, it is not in the specific context of “rebel” prosecutions or discussions of rebel groups.

Theoretical Considerations

International criminal law provides⁴³ that individuals, not groups, are perpetrators of international crimes, which is important in terms of criminal accountability and conducting a fair trial. This does however create issues in terms of placing the responsibility for a mass atrocity on one person, when there is collective action towards the commission of the crime. In this way, when a rebel leader is prosecuted, it highlights the actions of the individual over the actions of the group. International crime is, however, far more complex than the behaviour of one individual. This simplification of the commission of atrocities can overlook

⁴⁰ Frank Ledwidge, *Rebel Law: Insurgents, Courts and Justice in Modern Conflict* (London: Hurst, 2017).

⁴¹ Ibid.

⁴² Ibid.

⁴³ “Rome Statute”, art 25.

the complex social, political, and economic issues and the actions of multiple actors.

ICL perpetrates the myth that if one individual is apprehended, tried, and convicted of an international crime, the broader conflict from which this emerged will have received a justice response, which is not the case. While ICL focuses on individuals for the benefit of individual criminal responsibility, this should not prevent attempts to understand the broader conflict or situation in which they were involved nor hinder efforts to hold a broader reach of individuals accountable.

By their nature, international prosecutions invite assessments of guilt and innocence, as well as victim and perpetrator, which can conflict with the reality of rebel participation in conflict. Rebel groups and leaders can be both victims and perpetrators depending on the forum and context. They are perpetrators of international crimes against victims, but they are also often victims themselves of under or unequal development and corruption that gives rise to opposition to government. They can also be forced into international crime, for instance through enforced participation in conflict, including being forced to commit crimes as a child soldier.

While rebels do commit international crimes, they also serve as a vehicle through which international criminal justice can be more easily achieved by the international community, as the prosecution of rebels is arguably more readily accepted than the prosecution of government officials. This is because the decision to define a rebel as “bad” and requiring prosecution is not as difficult for the international community to accept as the decision to communicate that an elected head of state, for example, will be the subject of an international prosecution. Rebels thus bridge that gap between what is intended by the international community which is the pursuit of justice and then how it can be done, through prosecution.

In focusing on the prosecution of rebels, ICL further perpetuates the belief that the West or the white, Western collective can solve international crime by prosecuting rebels. The situation then becomes about white activism and the white saviour complex of “helping” non-white groups and individuals. This theoretically pits the normative white against the rebel non-white, thus depicting non-white groups and

peoples as having no agency of their own. The prosecution of rebels is further part of an international agenda through which prosecutions distinguish the deviant and unlawful actions of rebels from the “normal” and “lawful” actions of others. The narrative is that the rebel is prosecuted because they deviate from expected behaviour and structures. They do not conform to expected behaviour nor expected order in the local and international community and thus should be punished for that deviation.

Case Studies

ISIS in Syria

Background

The first case study in this chapter will discuss possible avenues for the prosecution of ISIS rebels who have committed crimes during the Syrian conflict. Numerous parties to the conflict including the Syrian Government and other rebel groups could also be accused of international crimes,⁴⁴ however, this chapter will focus on ISIS. The difficulty in prosecuting these crimes is similar for all parties, yet the prosecution of ISIS individuals requires special attention for the purposes of this chapter, due to the categorisation of ISIS as a rebel group and the greater difficulty in apprehending ISIS perpetrators. ISIS cannot be prosecuted at the ICC as a collective or group, as the ICC only prosecutes individuals.

March 2011 marked the start of the Syrian civil war when pro-democracy protests erupted in Syria.⁴⁵ These demonstrations were suppressed by the Syrian Government, which used violence against civilians through government entities such as the police, military, and

⁴⁴ See, for example, Michael Safi, “Syrian Regime Inflicts 72 Forms of Torture on Prisoners, Report Finds,” *The Guardian*, 24 October 2019, <https://www.theguardian.com/world/2019/oct/23/syrian-regime-inflicts-72-forms-of-torture-on-prisoners-report-finds>.

⁴⁵ “Syrian Civil War,” *Britannica*, accessed 20 February 2022, <https://www.britannica.com/event/Syrian-Civil-War>.

paramilitary forces.⁴⁶ Following this opposition, militias formed, which led to the civil war.⁴⁷ ISIS, a rebel group and key player in this unfolding civil war,⁴⁸ has operated alongside other factions and rebel groups in the region that are contributing to the conflict and allegedly committing international crimes.⁴⁹ These rebel groups use varying methods to simultaneously obtain legitimacy and influence in the same conflict.⁵⁰ The calls to prosecute international crimes committed in Syria are therefore not solely focused on rebel groups such as ISIS and the Free Syrian Army, but also include the Syrian Government.⁵¹ Such calls for justice are more holistically framed as seeking justice for Syria and justice for the Syrian people,⁵² which includes crimes committed by rebel groups.

As will be discussed below, it is currently not possible to prosecute crimes committed in Syria at the international level. There are a multitude of political and logistical barriers which make this challenging.⁵³ There is therefore a significant lack of accountability for the crimes that have been committed by all parties to the Syrian conflict, as will be discussed in this chapter, and potentially even greater lack of accountability for ISIS than other participants in the conflict.⁵⁴

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Fatou Bensouda, "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the Alleged Crimes Committed by ISIS," *International Criminal Court*, 8 April 2015, <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-08-04-2015-1>.

⁴⁹ Suheil Damouny and Emily Benammar, "Syria Opposition Parties: Explained," *ABC News Australia*, 29 August 2013, <https://www.abc.net.au/news/2013-08-29/syria-opposition-parties/4913162>.

⁵⁰ See Kelley Gardner, "Why Do Rebel Groups Govern?" *American University Washington DC*, 11 December 2019, <https://www.american.edu/sis/news/20191211-why-do-rebel-groups-govern.cfm>.

⁵¹ See, for example, Safi.

⁵² "Justice for Syria", *Amnesty International*, March 2017, <https://www.amnesty.org/en/latest/campaigns/2017/03/justice-for-syria/>.

⁵³ Catherine Marchi-Uhel et al., "We Need Better Laws to Prosecute Atrocities in Syria," *Al Jazeera*, 13 January 2022, <https://www.aljazeera.com/opinions/2022/1/13/we-need-better-laws-to-prosecute-atrocities-in-syria>.

⁵⁴ "Ten Years on Justice for Syrians More Important Than Ever," *Amnesty International*, 12 March 2021, <https://www.amnesty.org/en/latest/news/2021/03/ten-years-on-justice-for-syrians-more-important-than-ever/>.

This lack of accountability, particularly within the current international justice framework is largely due to the inadequacies of the UN Security Council and its decision-making process, including the use of the veto by the permanent five members who can derail even the most important UN Security Council resolutions if they disagree.⁵⁵ This impunity calls into question the ability of ICL to respond to mass atrocities. If grave international crimes are taking place in Syria, the world's permanent international criminal court, the ICC, should be able to respond to these atrocities. That is, however, not the case, and these crimes are perpetrated without prosecution. If it is not possible to prosecute international crimes committed in Syria, one of the greatest challenges of our time, then international justice is not as effective nor as useful as it should be and should therefore be reformed.

Difficulties

Syria is not a state party to the Rome Statute, which makes prosecutions at the ICC difficult.⁵⁶ Members of ISIS are from multiple countries, therefore the ICC could potentially have jurisdiction, but if they are from a non-state party such as Syria,⁵⁷ the ICC does not have jurisdiction.⁵⁸ The UN Security Council can refer a situation to the ICC when it is outside the Court's traditional jurisdiction,⁵⁹ which is particularly relevant in the Syrian context. The opposition of key states China

⁵⁵ "Voting System," *United Nations Security Council*, accessed 2 March 2022. <https://www.un.org/securitycouncil/content/voting-system>.

⁵⁶ Caroline Sweeney, "Accountability for Syria: Is the International Criminal Court Now a Realistic Option?" *Journal of International Criminal Justice* 17, no. 5 (2019).

⁵⁷ "The State Parties to the Rome Statute," *International Criminal Court*, accessed 3 March 2022, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx.

⁵⁸ See regarding the Court's jurisdiction over non-state parties, Monique Cormier, *The Jurisdiction of the International Criminal Court Over Nationals of Non-State Parties* (Cambridge: Cambridge University Press, 2020).

⁵⁹ "Functions and Powers," *United Nations Security Council*, accessed 4 March 2022, <https://www.un.org/securitycouncil/content/functions-and-powers>; Alexander Skander Galand, *UN Security Council Referrals to the International Criminal Court: Legal Nature, Effects and Limits* (Leiden: Brill, 2018).

and Russia to any prosecution of crimes committed in Syria is a significant impediment, as these countries have a veto in the UN Security Council.⁶⁰

In 2014, China and Russia used their veto power to reject a UN Security Council referral of the Syrian situation to the ICC, which could have resulted in the prosecution of crimes in that court.⁶¹ Of the 15 members of the Council, 13 voted for the resolution, illustrating widespread support, yet the resolution was ultimately unsuccessful due to the vetoes.⁶² Thus an opportunity for international justice was lost because of political obstruction.

Beyond the ICC, challenges in prosecuting crimes committed in Syria at the international level include establishing an international tribunal.⁶³ National prosecutions are normally undertaken in pre-existing courts, while international tribunals outside of the ICC require the establishment of a new entity. There is the issue that, once the court is established, the local government, in this case Syria, would need to cooperate.⁶⁴

Funding and logistical considerations also come into play in the establishment of a court for international crimes in Syria because international courts are normally expensive to operate.⁶⁵ They require a physical structure, as well as the payment of lawyers and other professionals to operate the court. Offices are often set up in multiple countries and there must be a provision for the collection and storage of evidence. That is in addition to the transport and care of witnesses who will travel to the court to give evidence. This is an example of how international justice, and

⁶⁰ "Voting System," *United Nations Security Council*; Aidan Hehir and Anthony Lang, "The Impact of the Security Council on the Efficacy of the International Criminal Court and the Responsibility to Protect," *Criminal Law Forum* 26 (2015).

⁶¹ "Russia, China block Security Council referral of Syria to International Criminal Court," *UN News*, 22 May 2014, <https://news.un.org/en/story/2014/05/468962-russia-china-block-security-council-referral-syria-international-criminal-court>.

⁶² *Ibid.*

⁶³ Torrens, "The Politics of International Criminal Justice: Hegemony and Humanity at the International Criminal Tribunal for the former Yugoslavia."

⁶⁴ Mark S. Ellis, *Sovereignty and Justice: Balancing the Principle of Complementarity between International and Domestic War Crimes Tribunals* (Cambridge: Cambridge Scholars, 2014), 163.

⁶⁵ In the first ten years of the ICC's operations, the Court cost \$900 million dollars which resulted in one verdict. See John Silverman, "Ten Years, \$900 m, One Verdict: Does the ICC Cost Too Much?" *BBC*, 14 March 2012, <https://www.bbc.com/news/magazine-17351946>.

the establishment of international tribunals are dependent on not solely political support, but also on having the financial ability to effectively operate the court.

Furthermore, once a tribunal is established, trials are not always straightforward. In the ISIS context, the structure, hierarchy, and operations of the group, as well as detaining the accused and obtaining evidence may be difficult. There is also the issue of the complexity of the conflict in Syria, which can be compared to the situation in the Balkans during the breakup of the former Yugoslavia and the subsequent work of the ICTY. Further issues are that ISIS will likely not collaborate or cooperate with the ICC to prosecute ISIS individuals. At the Special Tribunal for Lebanon (STL), trials were held *in absentia* (without the presence of the accused), but this is not the case at the ICC. The accused at the ICC must be present at the trials, which presents a logistical challenge in apprehending ISIS perpetrators.

Options for Justice

Further options for international or internationally supported prosecutions for Syria beyond the ICC include a hybrid court, as was the case for Cambodia⁶⁶ and Sierra Leone.⁶⁷ This would however be difficult, due to the likely lack of cooperation and support from the Syrian Government and current Syrian President Bashar al-Assad for such a tribunal to be created. Hybrid courts are a collaboration between the country in question and an authority such as the UN, rather than a direction from the UN and thus require the cooperation of the local government to be established and effective. For example, in the Cambodian context, the government was initially supportive in establishing the Khmer Rouge Tribunal, yet government opposition ultimately resulted in

⁶⁶ "Home," *Extraordinary Chambers in the Courts of Cambodia*.

⁶⁷ "Home," *Special Court for Sierra Leone*.

challenges moving forward with prosecutions and accusations of political interference at the Court.⁶⁸

Investigative mechanisms have been established for international crimes and human rights violations committed in Syria due to the current lack of a feasible international court. The motivation behind these investigative mechanisms is that if an international court is created, it will be a much swifter process towards trials and convictions if at least part of the evidence is already in place. Further, the existence of this evidence might contribute to political support for the establishment of an international court.

The Independent, International Commission of Inquiry on the Syrian Arab Republic was created on 22 August 2011 by Human Rights Council resolution S-17/1 to investigate alleged violations of international human rights in Syria since March 2011.⁶⁹ The International, Impartial and Independent Mechanism (IIIM) was established pursuant to UN General Assembly resolution A-71/248 on 21 December 2016, to assist in the investigation and prosecution of international crimes committed in Syria since March 2011.⁷⁰ The Commission for International Justice and Accountability (CIJA), which is not a UN body, but a non-profit, non-governmental organisation, has gathered evidence of crimes in Syria and has linked perpetrators to crimes.⁷¹ It is important to ensure that these bodies are investigating and collecting evidence to the highest standard possible so that it can be used in future prosecutions.

⁶⁸ Shannon Maree Torrens, "Allegations of Political Interference, Bias and Corruption at the ECCC," in *The Extraordinary Chambers in the Courts of Cambodia*, eds. Simon M. Meisenberg and Ignaz Stegmüller (The Hague: TMC Asser Press, 2016).

⁶⁹ "Independent International Commission of Inquiry on the Syrian Arab Republic," *United Nations Human Rights Council*, accessed 2 March 2022, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission>.

⁷⁰ "Home," International, Impartial and Independent Mechanism, accessed 2 March 2022, <https://iiim.un.org>; Alex Whiting, "An Investigation Mechanism for Syria: The General Assembly Steps into the Breach," *Journal of International Criminal Justice* 15, no. 2 (2017); Christian Wenaweser and James Cockayne, "Justice for Syria? The International, Impartial and Independent Mechanism and the Emergence of the UN General Assembly in the Realm of International Criminal Justice," *Journal of International Criminal Justice* 15, no. 2 (2017).

⁷¹ "Home," *Commission for International Justice and Accountability*, accessed 7 March 2022, <https://cijaonline.org>.

International crimes committed in Syria are also being prosecuted pursuant to universal jurisdiction in domestic legal settings.⁷² This is a way of bypassing the constraints of international tribunals and the political interference that exists at that level with national prosecutions of grave crimes. Universal jurisdiction assists in holding perpetrators accountable and preventing impunity.⁷³ For example, in Europe there have been attempts to prosecute such crimes in Germany, France and Sweden.⁷⁴ While universal jurisdiction increases the possibility of prosecution, there needs to be a more concerted effort by countries domestically to prosecute these individuals due to the lack of options at the international level.

Another justice issue at the national level in terms of individuals who have fought with ISIS in the Syrian conflict, is that they are at times prevented from returning to their home countries and are stripped of their citizenship.⁷⁵ The rebel is therefore unable to return to their country because they are perceived to have deviated not just from the rule of law but also from human nature. Justice as a more holistic concept, including not just the prosecution of rebels, but also their eventual inclusion in society post-conflict will be necessary to review in more depth going forward.

⁷² "Universal Jurisdiction," *International Committee of the Red Cross (ICRC)*, accessed 3 February 2022, <https://casebook.icrc.org/glossary/universal-jurisdiction>; "Term: Universal Jurisdiction," *European Center for Constitutional and Human Rights*, accessed 5 March 2022, <https://www.ecchr.eu/en/glossary/universal-jurisdiction/>; Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?" *Journal of International Criminal Justice* 16, no. 1 (2018).

⁷³ "Universal Jurisdiction," *European Center for Constitutional and Human Rights*.

⁷⁴ Philip Oltermann and Emma Graham-Harrison, "Two Syrian Defectors to Go on Trial in Germany for War Crimes," *The Guardian*, 23 April 2020, <https://www.theguardian.com/world/2020/apr/22/two-syrian-defectors-to-go-on-trial-in-germany-for-war-crimes>; Reem Salahi, "The Road to Justice for Syria Goes through Europe," *Middle East Institute*, 14 July 2020, <https://www.mei.edu/publications/road-justice-syria-goes-through-europe>.

⁷⁵ Meghan Benton and Natalia Banulescu-Bogdan, "Foreign Fighters: Will Revoking Citizenship Mitigate the Threat?" *Migration Policy Institute*, 3 April 2019, <https://www.migrationpolicy.org/article/foreign-fighters-will-revoking-citizenship-mitigate-threat>.

Hizbullah

Background

The second case study in this chapter focuses on the prosecution of alleged Hizbullah operatives at the STL in The Netherlands.⁷⁶ The STL was established to prosecute those responsible for the 14 February 2005 attack in Beirut, which resulted in the assassination of the former Prime Minister of Lebanon Rafik Hariri, the deaths of 21 additional people and the injury of others.⁷⁷ The STL is a tribunal of international character that is distinct from other international criminal tribunals and courts in that it prosecutes individuals pursuant to Lebanese Law including the Lebanese Criminal Code. The STL is unique in international criminal justice as it focuses on prosecutions relating to this one situation, rather than a specific period in which a much broader conflict took place, such as the civil war in Lebanon. The Rwandan and former Yugoslavia trials, for example, had broader mandates focusing on a longer period, particularly in the case of Yugoslavia.⁷⁸

The STL was created when the Government of Lebanon and the United Nations (UN) signed an agreement in 2007 to establish a tribunal in response to the assassination of Hariri, however, the Lebanese Parliament never ratified the agreement.⁷⁹ Instead, the Tribunal was established by a UN Security Council Resolution, as was the case with the tribunals for Rwanda and the former Yugoslavia.⁸⁰ Like other major international courts and tribunals, the STL is not located in the country where the crimes were committed.⁸¹ This separates the Tribunal physically from the Middle East and from Lebanon, which is arguably not beneficial for the people of Lebanon, as they are not able to attend

⁷⁶ “Home,” *Special Tribunal for Lebanon*, accessed 5 March 2022, <https://www.stl-tsl.org/en>.

⁷⁷ Ibid.

⁷⁸ “Home,” *International Criminal Tribunal for Rwanda*, accessed 2 March 2022, <https://unictr.irmct.org>; “Home,” *United Nations International Criminal Tribunal for the former Yugoslavia*.

⁷⁹ “About the STL,” *Special Tribunal for Lebanon*, accessed 1 March 2022, <https://www.stl-tsl.org/en/about-the-stl>. See generally Amal Alamuddin, Nidal Nabil Jurdi, and David Tolbert, eds., *The Special Tribunal for Lebanon* (Oxford: Oxford University Press, 2014).

⁸⁰ “About the STL,” *Special Tribunal for Lebanon*.

⁸¹ Ibid.

the trials unless they travel to Europe. Other tribunals, such as the Khmer Rouge Tribunal have countered this issue by holding the trials in Cambodia itself.⁸²

Those tried in the first case at the STL (the Ayyash trial) were four individuals allegedly associated with Hizbullah: Salim Jamil Ayyash, Hassan Habib Merhi, Hussein Hassan Oneissi, and Assad Hassan Sabra.⁸³ Hizbullah is a Shi'i Muslim group with a history of being both a political party and militant organisation.⁸⁴ On 18 August 2020 the Trial Chamber of the STL found Ayyash guilty on all five counts in the indictment, while the other three accused were found not guilty.⁸⁵ Ayyash was convicted of conspiracy aimed at committing a terrorist act, committing a terrorist act by means of an explosive device, intentional homicide of Hariri with premeditation by using explosive materials, intentional homicide of 21 additional persons with premeditation by using explosive materials, and attempted intentional homicide of 226 persons with premeditation by using explosive materials.⁸⁶ On 11 December 2020, Ayyash was sentenced by the Trial Chamber of the STL to five consecutive life sentences.⁸⁷ The Appeals Chamber reversed the acquittals of Merhi and Oneissi and convicted them.⁸⁸

The STL is a prominent intervention of international criminal justice into the Middle East, which is not a region that has traditionally been the focus of international criminal justice, particularly at the time when the STL was established. Palestine, Israel, and Afghanistan have

⁸² "Home," *Extraordinary Chambers in the Courts of Cambodia*.

⁸³ "Ayyash et al. (STL-11-01)," *Special Tribunal for Lebanon*, accessed 1 March 2022, <https://www.stl-tsl.org/en/the-cases/stl-11-01>; "Rafik Hariri Tribunal: Who Were the Four Accused Over 2005 Assassination?" *BBC*, 18 August 2020, <https://www.bbc.com/news/world-middle-east-25757367>.

⁸⁴ "What Is Hezbollah," *Council on Foreign Relations*, 25 May 2022, <https://www.cfr.org/background/what-hezbollah>.

⁸⁵ *The Prosecutor v Ayyash et al.* (Ayyash Trial Judgment) STL-11-01/T/TC (18 August 2020).

⁸⁶ *The Prosecutor v Ayyash et al.* (Public Redacted Amended Indictment) STL-11-01/PT/PTJ (21 June 2013).

⁸⁷ "Ayyash et al." *Special Tribunal for Lebanon; The Prosecutor v Ayyash* (Sentencing Judgment) STL-11-01/S/TC (11 December 2020).

⁸⁸ *The Prosecutor v Merhi and Oneissi* (Ayyash Appeal Judgment) STL-11-01/A-2/AC (10 March 2022).

become a focus of the ICC through investigations,⁸⁹ however, the Middle East remains a comparatively underexplored region in this field. It is, however, notable that the intervention of international criminal justice into Lebanon was undertaken in a restricted way as to only focus on one incident, despite the longstanding international crimes that have allegedly been perpetrated in Lebanon including during the civil war.

Hizbullah

The Ayyash case raises the question of why these four Hizbullah individuals found themselves on trial, while other rebels both in Lebanon and more generally have not faced prosecution. Hariri was a well-known individual not only in the Middle East, but also in the West and was “well regarded among international leaders”.⁹⁰ This selectivity in prosecutions supports the argument that an international trial is perceived to be of value only if it is of importance to the West. Other rebels who have committed crimes in Lebanon and the broader Middle East have never been brought to the ICC. Other individuals and groups operating in Lebanon, who would not be defined as rebels have been informally accused of committing international crimes,⁹¹ yet have not been held to account. This leads to the question of whether it is the nature of the crimes committed that has contributed to the prosecution of Hizbullah-associated individuals or whether it is purely the character of Hizbullah as a rebel group that led to their prosecution.

Hizbullah has gained formal political power over time.⁹² Despite its movement to a political position, its character as a rebel group remains,

⁸⁹ “State of Palestine: Situation in the State of Palestine,” *International Criminal Court*, accessed 7 March 2022, <https://www.icc-cpi.int/palestine>; “Afghanistan: Situation in the Islamic Republic of Afghanistan,” *International Criminal Court*, accessed 4 March 2022, <https://www.icc-cpi.int/afghanistan>. <https://www.icc-cpi.int/palestine>

⁹⁰ “Profile: Former Lebanese PM Rafik Hariri,” *BBC*, 16 January 2014, <https://www.bbc.com/news/world-middle-east-13978635>.

⁹¹ See for example John Kifner, “Human Rights Group Accuses Israel of War Crimes,” *The New York Times*, 24 August 2006, <https://www.nytimes.com/2006/08/24/world/middleeast/24lebanon.html>.

⁹² “Hezbollah,” *Britannica*, accessed 7 March 2022, <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.

at least in terms of perception if not in fact. This raises questions as to when rebel groups that gain political legitimacy are no longer rebel groups, such as when they are elected to government. It could be argued that, once they have gained a position of formal authority, they are no longer rebel groups, although their oppositional origins remain.

The Ayyash trial and judgment were not stated as being directed against Hizbullah as a group, but rather focused on four specific individuals. Nonetheless, the link between the accused and Hizbullah, as noted in the initial and amendment indictments, the Prosecutor's pre-trial brief, and the Trial Judgment is not without importance to the overall trial and its message.⁹³ In the Prosecution's final trial brief, it is noted that "Prosecution evidence demonstrates the links between the Accused and Hezbollah and explains the political context in which the Attack occurred".⁹⁴ This focus on the Hizbullah connection situates the Ayyash case as being one not only involving alleged Hizbullah operatives in the assassination of Hariri and others but potentially renders the trial a statement on the involvement of Hizbullah in other crimes of this nature in Lebanon.

The STL illustrates that not only states but also rebel and opposition groups can influence international prosecutions. In the Lebanese context, the leader of Hizbullah refused to hand over the Hariri suspects to the STL, which made prosecutions difficult and contributed to the trials being undertaken *in absentia*.⁹⁵ International justice relies on state cooperation to be effective,⁹⁶ but it also relies on the cooperation of other influential entities. This includes those in positions of authority in rebel groups who may be asked to hand over individuals from their groups who have been accused of international crimes to prosecuting authorities. This cooperation enables international justice mechanisms to operate effectively, thus highlighting the importance of rebel groups to international justice processes.

⁹³ Ayyash Trial Judgment [101–102], [104].

⁹⁴ Ayyash Trial Judgment [113].

⁹⁵ "Hezbollah Leader Refuses to Hand Over Hariri Suspects," *The Guardian: Associated Press*, 3 July 2011, <https://www.theguardian.com/world/2011/jul/03/hezbollah-leader-refuses-handover-hariri-suspects>.

⁹⁶ Ellis, *Sovereignty and Justice*, 163.

Challenges

Unique in the world of modern international criminal justice, these four Hizbullah-linked individuals were all tried, as noted, *in absentia* at the STL, which means that they were not in attendance at their own trial.⁹⁷ This raises questions as to the legitimacy of the trials. The European Court of Human Rights has said that trials *in absentia* are allowable in certain circumstances.⁹⁸ It could be argued that there are no circumstances in which a trial should be held without the presence of the accused, as this violates basic international human rights law and the importance of an individual being present at his or her trial.⁹⁹

A practical issue with trials *in absentia* is that once there is a trial and conviction, there is less motivation for international action to apprehend the individual, as global focus and concern will have moved elsewhere. Furthermore, that the trials at the STL were held *in absentia* suggests that certain individuals could be held to account through a trial *in absentia*, while it is unlikely that an international tribunal would hold a Western individual accountable through such a process. The STL thus raises concerns that the Tribunal was established for the purposes of a conviction rather than for holding a fair trial.

Not only was the prosecution of individuals from Hizbullah in Lebanon undertaken without the presence of the accused it took place at a Tribunal, which has held only one primary trial, focusing on one situation. This is despite the historical context where Lebanon suffered a protracted civil war, in which war crimes allegedly took place.¹⁰⁰ There have been no international prosecutions to respond to these crimes, therefore impunity has reigned. International justice should be a more expansive response to international crime, rather than solely conducting trials focusing on one restricted incident, as is the case with the STL.

⁹⁷ "Ayyash et al," *Special Tribunal for Lebanon*.

⁹⁸ Shane Darcy and Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals* (Oxford: Oxford University Press, 2010), 348.

⁹⁹ "International Covenant on Civil and Political Rights," adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171, art 14(3)(d).

¹⁰⁰ Greenberg Research, Inc, "Country Report on Lebanon: ICRC Worldwide Consultation on the Rules of War", *International Committee of the Red Cross*, 1999, <https://www.icrc.org/en/doc/assets/files/other/lebanon.pdf>, iv.

Another challenge of the STL is that the individuals in the *Ayyash* case were held accountable in an extremely expensive trial, which was out of place in the current socioeconomic reality of Lebanon.¹⁰¹ In recent years, Lebanon has suffered a devastating social, economic, and political crisis,¹⁰² which has resulted in the country facing significant challenges such as the 2020 Beirut explosion in which over 200 people lost their lives.¹⁰³ Nonetheless, Lebanon attempted to continue its 49 per cent financial contribution to the operation of the STL before defaulting in June 2021.¹⁰⁴ This raises questions as to the value of prosecuting individuals *in absentia* at a tribunal that is partially funded by a country in crisis.¹⁰⁵ Justice in and of itself has value, but considerations of the value of questionable justice in an economic and humanitarian crisis are relevant in the Lebanon context.

The prosecution of individuals associated with Hizbullah by the STL illustrates the interaction between rebel governments, groups, and individuals on the one hand and international justice on the other. This analysis suggests that there is a need for a more comprehensive response to justice in Lebanon. Going forward, the international community should consider other options for responding to the justice deficit. These could include a truth and reconciliation commission¹⁰⁶ or initiatives by the UN to hold perpetrators accountable. Another more expansive international tribunal for Lebanon or the extension of the jurisdiction of the STL could also be considered as viable options to end impunity.

¹⁰¹ See Atticus Blick, "The Special Tribunal for Lebanon: How Did It Survive for So Long?" *EJIL: Talk!* 20 September 2021, <https://www.ejiltalk.org/the-special-tribunal-for-lebanon-how-did-it-survive-for-so-long/>.

¹⁰² Shannon Maree Torrens, "Lebanon on its Knees: Country on Brink of Collapse After Blast," *Sydney Morning Herald*, 6 August 2020, <https://www.smh.com.au/world/middle-east/lebanon-on-its-knees-country-on-brink-of-collapse-after-blast-20200806-p55j0p.html>.

¹⁰³ *Ibid.*

¹⁰⁴ Blick, "The Special Tribunal for Lebanon"; Najia Houssari, "Lebanon Officially Announces Default to Pay Its Share for STL," *Arab News*, 4 June 2021, <https://www.arabnews.com/node/1870396/middle-east>.

¹⁰⁵ *Ibid.*

¹⁰⁶ "Does Lebanon Need a Truth and Reconciliation Commission?" *BBC*, 12 September 2017, <https://www.bbc.co.uk/programmes/p05fvp9c>.

Conclusion

Case Studies

The case studies offer examples of how rebels are prosecuted at the international level and what this prosecution and at times lack of prosecution means for international justice and understandings of effective rebel governance. An assessment of rebel prosecutions in international criminal justice highlights that the prosecution of rebels at the international level is far more common than the prosecution of non-rebels. This is primarily because the actions taken by rebel groups in conflicts often result in the commission of international crimes. It is, however, also because rebels are an easily identifiable target for prosecutions: they are normally not white, they do not belong to a particular government, and they do not conform to the normal protocols of the international community. While the actions of rebels should be prosecuted at the international level, particularly those who commit large-scale grave crimes that are not as easily prosecuted at national courts, so too should the crimes of non-rebels.

The ISIS case study highlights the current challenges in prosecuting crimes committed in Syria at the international level and illustrates that international justice has significant impediments. These challenges are both political and logistical, rendering international prosecutions for this situation difficult. Not only is it difficult to prosecute those from rebel groups who have committed crimes in Syria, but it is also challenging to prosecute government forces. The positive aspect of this difficulty is that it has encouraged other avenues of prosecution, such as the utilisation of universal jurisdiction and national prosecutions, as well as the establishment of investigative mechanisms to gather and analyse evidence.

The Hizbullah case study identifies individuals who are from a group that has been elected to government but was previously a rebel group. These individuals have been held accountable at the international level but at a trial *in absentia*, which is a highly restricted form of justice that arguably does not offer holistic or genuine justice for the expanse of international crimes that have been committed in Lebanon. The

Lebanese context also highlights that rebel groups, particularly those that gain formal authority, can derail a justice process if it is in their interests to do so. This highlights the susceptibility of international justice not only to the opposition of states, but also rebel groups themselves.

These two case studies involve the commission of crimes by individuals identified as rebels or from rebel groups, who are from the Middle East. This chapter thus makes a unique contribution to the study of international justice due to the lack of scholarship focused on the Middle East as a region compared to, for example Africa, which has considerable commentary and focus. This reflects the real-life lack of focus on the Middle East in international justice. The case studies presented here are also serious situations of international crime that have not been responded to effectively, thus highlighting a deficit in ICL. The case studies highlight not just a deficiency in international justice, they also reflect impunity for grave international crimes that need to be addressed for international justice to be more effective and to improve its legitimacy. If this field cannot respond to the greatest justice issues of our time, its purpose is questionable, and its process must be reformed.

Final Thoughts

While the notion of “rebel” is not a formal categorisation in ICL, this categorisation of individuals who commit mass atrocities is nevertheless beneficial to analyse, particularly in terms of contributing to arguments about the selectivity of international criminal justice. Examining the actions of rebels, namely in the commission of war crimes, crimes against humanity, and genocide and their interaction with international justice mechanisms enables a more expansive understanding of who is a perpetrator, which facilitates a better understanding of ICL.

For a prosecution to be seen as “worthy” at the international level, it must arguably be perceived as being against something or someone “bad” or “negative”—often a rebel. Many rebels are, however, fighting for something that is not necessarily negative, but is just oppositional to the status quo. That is not to say that the international crimes and mass atrocities they commit should go unpunished. It is to say that they are treated as

the “other” for the crimes they have committed due to their opposition to established groups and authorities. The “other” is someone outside of the established order who is often seen as being negative, regardless of the integrity of the traditional authority it opposes.

Framing rebels as perpetrators through their disproportionate prosecution contributes to the narrative that international justice is for the “other” and that governments and elected political leaders do not commit international atrocities to the same extent as rebels, which is not the case. Government officials are prosecuted, as was illustrated by Charles Taylor at the Special Court for Sierra Leone¹⁰⁷ however it is interesting to note that Taylor may be a former President, but he is also a non-white man and a former rebel leader, thus straddling both the rebel and government worlds.¹⁰⁸

Justice mechanisms are important to any functioning democratic society in which the rule of law and human rights are respected. It is therefore important that rebel leaders and their associates, particularly those who have transitioned to being formally recognised by being elected to government, understand the importance to their own legitimacy of engaging in and respecting local and international justice mechanisms. It is equally important that those they act in opposition to, often government or established forces, both former and those currently in that position, are equally held to account.

In ICL, there is a tendency to prosecute either high-ranking government officials—heads of state and military, or rebel leaders with a focus on the latter. This is likely because of the nature of conflict and the types of situations that result in mass atrocities, but it is also because of the view that these are the people who commit crimes, those in power, and those wanting to take power. At their interplay is where international justice finds its home. If the ICC, for example, can hold rebel leaders to account for committing international crimes, the narrative is that the Court is working because a rebel leader, a “bad” individual, is facing justice. This suggests that international justice is as much about the

¹⁰⁷ “Charles Ghankay Taylor,” *Special Court for Sierra Leone*.

¹⁰⁸ “Charles Taylor: Rebel Leader to President,” *The Guardian*, 11 August 2010, <https://www.theguardian.com/world/gallery/2010/aug/10/liberia-blood-diamonds>.

perception of justice as it is about real justice, which is one of the primary lessons in understanding the interaction between rebels and international justice.

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