Alan Bryden,
Marina Caparini (eds.)

# PRIVATE ACTORS AND SECURITY GOVERNANCE

GENEVA CENTRE FOR THE
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Chapter 2

# Fragile Statehood, Armed Non-State Actors and Security Governance

*Ulrich Schneckener*

## Introduction

In the modern world, the state – at least in theory – has to fulfil a dual function with regard to political order: first, the state shall organise and guarantee public order domestically within a defined territory; second, all states together constitute the international system and, thereby, the global order. Ineffective, weak, failing or failed states – which can be subsumed under the rubric of *fragile statehood* – tend to undermine both functions and cause problems at the national, regional and global level. In particular, for experts on development issues, it is common knowledge that many post-colonial (or post-Soviet) states are unable to provide basic public functions and services vis-à-vis their citizens and are incapable of performing their duties and responsibilities as members of the international community. In other words, fragile statehood poses challenges not only for governance internally, but also for any form of regional or global governance.

However, until the turn of the century the issue was largely perceived by Western governments as a local affair, left to development experts and agencies. Only in extreme cases of humanitarian intervention has the issue of fragile statehood become connected to the field of international security policy. Otherwise, the topic did not receive any systematic or strategic treatment in Western foreign affairs and security thinking. This, however, changed profoundly after the terrorist acts of September 11, 2001 (9/11). The debate has shifted – rightly or wrongly – to a more security-oriented approach. The message of 9/11 seems to be clear: if local problems are ignored, they have the potential to produce global risks.

Therefore, both the *US National Security Strategy* (September 2002) and the *EU Security Strategy* (December 2003) call 'failing and failed states' a security threat, i.e. a direct or indirect threat to peace and security for the US and the EU.[1] Both strategies, however, fail to acknowledge the analytical

difference between a concrete *threat* and a more general *risk*. Fragile states should not be understood as a threat per se, but as an enabling factor or a catalyst for potential threats and – almost more importantly – as an obstacle to solving key global security issues. In a more comprehensive and more accurate way, the report 'A More Secure World' of the High-Level Panel on UN Reform (December 2004), initiated by UN Secretary-General Kofi Annan, underscores that the issue of fragile statehood is at the core of most of today's relevant security problems. The Panel identified six 'clusters of threat': (1) economic, social and ecological threats; (2) interstate conflicts; (3) intrastate conflicts; (4) proliferation of nuclear, radiological, biological and chemical weapons; (5) terrorism; and (6) transnational organised crime.[2] In contrast to the US and EU security strategies, failing and failed states are not mentioned as a threat. However, the authors made clear that none of these problems could be solved unless the international community addressed the phenomenon of fragile statehood. In this respect, the issue cuts across various 'old' and 'new' security concerns. This point can easily be illustrated with a few examples: a meaningful fight against AIDS or the implementation of effective disaster-prevention policies is hardly possible without the involvement of state institutions. Similarly, the fight against poverty and the fair distribution of resources require the framework of a state; moreover, the containment of organised crime, the prevention of the proliferation of nuclear material by non-state actors and the fight against transnational terrorist networks require, *inter alia*, state mechanisms of control and means of enforcement; and the reconciliation of regional conflicts and civil wars is directly tied to the creation of legitimate state structures.

Against this background, this chapter argues that the lack of legitimate and effective security governance in many parts of the world makes it difficult to contain and prevent the spread of transnational security problems. In this sense, one key question seems to be whether and how far states are able and willing to provide security for their own citizens, to establish appropriate structures and institutions and to allocate the necessary resources. A major challenge for local security governance, however, is posed by activities of a variety of armed non-state actors which undermine the state's monopoly of the use of force. In extreme cases they may even replace the state and its security apparatus, at least at a sub-national level. This poses a number of relevant questions: Who are armed non-state actors and how can they be categorised? How far do these actors profit from characteristics of fragile statehood? To what extent do they affect security governance? How can one differentiate among potential 'security providers'? And, more generally, what strategies can reduce their capacities as 'spoilers' in state-building and

peacebuilding efforts? The chapter will address these questions by providing a framework of analysis and by highlighting some hypotheses which could inform further empirical research and case study work.

## A Typology of Armed Non-State Actors

In order to analyse the relationship between fragile statehood and armed non-state actors and its consequences for security governance, we need a better understanding of these actors. Generally speaking, armed non-state actors are 1) willing and able to use violence for pursuing their objectives; and 2) not integrated into formalised state institutions such as regular armies, presidential guards, police or special forces. They may, however, be supported by state actors whether in an official or informal manner. There may also be state officials who are directly or indirectly involved in the activities of armed non-state actors – sometimes for political purposes, but often for personal interests (i.e. corruption, clientelism). The following typology aims at identifying the most important and most frequently encountered armed non-state actors as well as highlighting their specific characteristics.[3]

*Rebels* or *guerrilla fighters*, sometimes also referred to as *partisans* or *franc tireurs*, seek the 'liberation' of a social class or a 'nation'. They fight for the overthrow of a government, for the secession of a region or for the end of an occupational or colonial regime. In that sense, they pursue a political – mostly social-revolutionary or ethno-nationalistic – agenda, and view themselves as 'future armies' of a liberated population.[4] Hence they sometimes also wear uniforms and emblems in order to benefit from the protection of international law provisions for combatants. In their military operations they avoid direct confrontation with their opponents; therefore, guerrilla warfare typically begins in rural areas, mountainous regions or in remote areas that are beyond the central government's control.[5] Some writers have propagated the concept of an urban guerrilla that is supposed to function as a vanguard for the rural guerrilla.[6] According to the doctrine of guerrilla warfare, guerrilla fighters depend on the local population for logistic and moral support. In reality, however, the most significant support comes from foreign governments or various non-state actors that provide safe havens, weapons, equipment and know-how.

*Militias* or *paramilitaries* are irregular combat units that usually act on behalf of, or are at least tolerated by, a given regime. Their task is to fight rebels, to threaten specific groups or to kill opposition leaders. These militias are often created, funded, equipped and trained in anti-guerrilla tactics

(counter-insurgency) by state authorities. On behalf of the state they may handle the dirty business of targeted kidnappings and killings, massacres or ethnic cleansing. Nevertheless they often evade government control and, in the course of a conflict, develop their own agenda. Self-proclaimed defenders of an existing system such as 'protection forces' (*Schutzbünde* or *Heimwehren)* or vigilantes also fall into this category since they mostly protect the interests of groups that benefit from the status quo (for example land owners, former combatants, officers, dominant ethno-national groups).[7]

*Clan chiefs or big men* are traditional, local authorities who head a particular tribe, clan, ethnic or religious community.[8] They have usually attained their positions according to traditional rules, whether by virtue of their age and experience, ancestry or personal ability to lead the group. In this regard, they can be seen as legitimate representatives of their people. Most often, they control a certain territory which may range from a few peripheral villages or settlements to larger regions. While this control can be formalised as kingdoms or chiefdoms with a certain degree of autonomy, it may also be more informal since in many cases it either exists parallel to or cuts across administrative units of the state. Most chiefs or big men also command an armed force recruited from members of their tribe or clan. These forces are mainly set up for the purpose of self-defence, but also for deterring and fighting internal rivals.[9]

*Warlords* are local potentates who control a particular territory during or after the end of a violent conflict. They secure their power through private armies and benefit from war or post-war economies by exploiting resources (such as precious metals, tropical timber, commodities or drug cultivation) and/or the local population (for instance, through looting or levying 'taxes'). In doing so they frequently capitalise on transnational ties and links to global markets.[10] Warlords are a typical product of long-standing civil wars. Some of them, however, manage to perpetuate their rule even after the end of combat activities. Quite often they attempt to legalise the benefits they acquired during the war by running for public office.[11]

*Terrorists* aim to spread panic and fear in societies in order to achieve political goals, be they based on left- or right-wing, on social-revolutionary, nationalistic or religious ideologies.[12] They are organised in a clandestine way, most often in small groups and cells, sometimes also in larger transnational networks (in particular Al-Qaida or Jemaah Islamyya). Most long-standing terrorist groups have a hierarchical structure with a command level at the top. Militarily speaking they are rather weak actors who use terrorist attacks primarily as a mean for addressing the wider public or, in some instances, the international media in order to communicate their grievances

and ideology. Typical tactical means include kidnapping, hostage-taking, sabotage, murder, suicide attacks, vehicle bombs and improvised explosive devices. Possible targets range from military sites and official government buildings to companies, airports, restaurants, shopping malls and means of public transport.[13]

*Criminals* are members of Mafia-type structures, syndicates or gangs, as well as counterfeiters, smugglers or pirates. Their core activities may include robbery, fraud, blackmail, contract killing or illegal (mostly transborder) trade (e.g. in weapons, drugs, commodities, children and women). Organised crime in particular seeks political influence in order to secure its profit interests, and uses means such as bribery, targeted intimidation or murder.[14]

*Mercenaries and private security companies* are volunteers usually recruited from third states who are remunerated for fighting in combat units or for conducting special tasks on their own. They can serve different masters, ranging from the army of a state to warlords who promise them rewards. Therefore, in civil wars mercenaries are frequently to be found fighting on all sides. Mercenarism has a long-standing tradition. Among its famous precursors are the *Condottieri* – contractors who led bands of mercenaries hired for protective purposes by Italian city-states or princes from the 15th century onwards. Other historic examples are mercenaries in the 30 Years War (1618 to 1648) or during the period of decolonisation post-1945 (e.g. the activities of former German Wehrmacht officers in Congo ('Kongo-Müller'). This category also includes professional 'bounty hunters' who hunt down wanted (war) criminals or terrorists either on behalf of a government or on their own account in return for financial rewards. While traditional mercenaries are banned under international law, modern private security or military companies usually act on a legalised and licensed basis. They have professionalised and commercialised the business of providing combatants, trainers or advisers, or other forms of operational or logistical support, and are contracted by governments, companies or other non-state actors.[15]

*Marauders* by contrast are demobilised or scattered former combatants who engage in looting, pillaging, and terrorising defenceless civilians during or after the end of a violent conflict. They display a relatively low level of organisational cohesion and move from one place to another. A peculiar version is the so-called *sobel*, a neologism combining the words soldier and rebel. On the one hand, sobels are members of an under-funded army. However, after work they make private profit out of criminal and commercial activities (e.g. looting, robbery, the collection of protection money, abductions, lynching). Marauders are therefore beneficiaries of a

chaotic situation triggered by the central government's loss of control over (parts of) its territory. In some cases, however, marauders may be deployed strategically by regular armed forces, paramilitaries or political movements as auxiliaries to handle the dirty business of ethnic cleansing, massacres of the civilian population or the persecution of political opponents.

Most of these armed non-state actors share a common feature in that by using violent means they do not attach great importance to the distinction made by international law between combatants and non-combatants. If anything, such a distinction may have played a role for classical rebel or guerrilla movements, who avoided using excessive violence against the civilian population, since the latter represented a source of – at least temporary – support for the insurgents. They primarily attacked members of the regular armed and security forces; however, they tended to view as 'combatants' all representatives of the state apparatus (e.g. politicians, policemen or judges) and thereby extended the notion of combatant far beyond the rather strict definition of international law. In contemporary conflicts, especially intrastate ones, the distinction between combatants and non-combatants is increasingly blurred. Far from receiving special protection the civilian population has for a number of reasons become the primary target of various armed non-state actors pursuing political and economic gains.

Another trend emerging since the 1990s has been the process of transnationalisation; most groups and organisations increasingly operate via transnational networks and transnational ties, thereby gaining new room for manoeuvre. Transnationalisation not only facilitates the linking-up of war or post-war economies with cross-border smuggling routes and global 'shadow' markets; it moreover fosters the transmission of political agendas and ideological propaganda that are disseminated through international supporters (such as diasporas or exile communities, third states, NGOs) and international media. The degree of such transnationalisation processes varies from one type to another: whereas rebels, warlords, mercenaries, criminals and numerous terrorist organisations make use of transnational relations, this is much less true for clan chiefs, 'big men', marauders and most militias.

Despite their similarities, from an analytical point of view, four criteria in particular bring the differences between these types into relief (see Table 2.1):

1. *Change versus status quo orientation*: Some armed non-state actors seek a (radical) change of the status quo; they demand a different government, a different political system, the secession of a region, a new world order, etc. By contrast, other groups – whether driven by their

own interests or instigated by those in power whom they serve – aim at securing and consolidating the status quo. The former position applies to terrorists as well as rebels and guerrilla fighters, whereas the latter applies to warlords and criminals who generally seek to secure their achieved political and economic privileges. The same is often true for clan chiefs and 'big men', in particular when they are integrated into the political system by means of co-optive rule or neo-patrimonial structures. The prototypes of a status quo movement, however, are militias or paramilitary organisations, respectively, who are deployed to protect the rule of a regime or the dominance of particular groups. Mercenaries or marauders, by contrast, behave rather opportunistically; sometimes they may serve the interest of status quo forces, while at other times they may challenge them.

2. *Territorial versus non-territorial aspirations:* Both guerrilla movements and warlords, in principle, aim at the conquest and – if possible – the permanent control of territory. Mercenaries are usually employed for similar purposes. Clan chiefs are usually also connected to a particular territory or region. Terrorists, on the other hand, might have territorial ambitions (e.g. the creation of their own state); however, they are neither willing nor able to conquer territory and defend it by military means. The same applies to criminals and marauders if one neglects the control of town districts or villages. Militias include both variants. Some (especially large) militia organisations are capable of securing or reconquering territory from rebels, whereas other units are assigned special tasks apart from territorial control, such as the persecution of dissidents.
3. *Physical versus psychological violence:* Rebels and guerrilla movements pursue their goals by using physical violence. Their aim is to weaken their opponent's military strength, defeat him or force him to surrender, and subsequently take his place. Terrorists, by contrast, often employ psychological techniques. In between these two extremes other armed non-state actors are to be found: clan chiefs or mercenaries use primarily physical violence in order to defeat opponents, while for marauders and criminals the threat and use of violence is often merely a means of intimidation. Finally, militias and warlords are rather ambivalent with regard to the type of violence they use; depending on the group itself and the general circumstances they make use of both forms of violence.
4. *Greed versus grievance:* Whereas guerrilla movements, militias, clan chiefs, 'big men' and terrorist groups pursue – at least rhetorically – a

socio-political agenda for which they need economic resources, the reverse usually holds true for warlords and criminals. They are primarily interested in securing economic and commercial privileges. Political power and public offices as well as the use of violence serve the realisation of economic interests. In that sense warlords and criminals are not 'apolitical' actors; yet their motivation for joining the political struggle for power is different from that of other political actors. Similarly, mercenaries and marauders pursue primarily economic gains.

**Table 2.1: Types of armed non-state actors**

| | Change vs. status quo | Territorial vs. non-territorial | Physical vs. psychological use of violence | Political vs. economic motivation |
|---|---|---|---|---|
| **Rebels, Guerrillas** | Change | Territorial | Physical | Political |
| **Militias, Paramilitaries** | Status quo | Territorial Non-territorial | Physical Psychological | Political |
| **Clan chiefs, Big men** | Status quo | Territorial | Physical | Political |
| **Warlords** | Status quo | Territorial | Physical Psychological | Economic |
| **Terrorists** | Change | Non-territorial | Psychological | Political |
| **Criminals, Mafia, Gangs** | Status quo | Non-territorial | Psychological | Economic |
| **Mercenaries, PMCs/PSCs** | Indifferent | Territorial | Physical | Economic |
| **Marauders, 'sobels'** | Indifferent | Non-territorial | Psychological | Economic |

Clearly, this characterisation is based on ideal-types. In reality numerous grey zones exist, since groups sometimes undergo transformation in the course of a conflict. Rebels, 'big men' or marauders, for instance, turn into warlords; militias or warlords may degenerate into ordinary criminals; criminals become involved in terrorist networks and vice versa; militias, rebels or warlords increasingly employ terrorist methods, and so on. In many cases hybrid forms integrate features of different ideal types, such as the Tamil Tigers in Sri Lanka, the FARC in Colombia or Maoist rebels in Nepal.

These organisations not only control significant territory but continue to launch terrorist attacks nationwide. They employ physical as well as psychological violence and pursue far-reaching economic interests. Nonetheless it does make sense to hold onto these distinctions, because they allow us to make statements regarding the extent to which particular groups or individuals correspond to these ideal-type categories. More importantly, in order to analyse the transformation of a particular group, criteria which distinguish one situation from another are necessary. This exercise not only has international legal and sociological implications, but is also relevant for practical policy purposes since it may be helpful for developing hypotheses as to actors that are more or less likely to be integrated into state-building and peacebuilding efforts.

## Relating Fragile Statehood to Armed Non-State Actors

Fragile statehood can be defined in terms of state structures and institutions which have severe deficits in performing key tasks and functions vis-à-vis their citizens. Fragile states are characterised by deficits in governance, control and legitimacy. This concept, however, covers a broad spectrum of states and is not limited to failed or collapsed states or to conflict-torn societies. The term statehood is used to avoid restricting the analysis to the government and its bureaucratic apparatus; it comprises instead a range of actors such as political parties and public institutions as well as different levels of governance (sub-national, local). Statehood, therefore, is a functional term which focuses on core state functions, on the political decision-making process and on the implementation of decisions as well as on the political order in general.

In order to operationalise the concept, it is helpful to distinguish at least three basic state functions: *security*, *welfare* and *legitimacy/rule of law*.[16] First, ideally, the state has to provide physical security for its citizens – internally as well as externally. The state should be able to control its territory and borders, safeguard the security of its citizens vis-à-vis each other and defend against external security threats, ensure public access to natural resources and enforce tax administration. In short, the state has to ensure the monopoly of the use of force as well as the monopoly on raising taxes and revenues. Plausible indicators of state failure in this respect are: a lack of effective control of the state's territory as a whole; weak control of international borders; non-existent or limited control over tax and tariff revenues as well as of natural resources; an increasing number of relevant armed non-

state actors; disintegration, fragmentation or commercialisation of the state's security forces; a massive incidence of crime; and, the use of state security forces against the population of the state.

Second, the state should provide basic goods and services as well as distributive mechanisms – both financed by a regular state budget. This welfare function includes, inter alia, macro-economic governance, social policies, management of resources, education and healthcare, environmental protection policy as well as the establishment of physical infrastructure. Typical indicators of deficits are: the systematic exclusion of particular groups from access to economic resources; severe financial and economic crises; the unequal distribution of wealth; decreasing state revenues; low state expenditures; high rates of unemployment; a significant decline in human development; poor public infrastructure; degradation of the educational and/or the health system; and environmental degradation (e.g. shortage of water).

Third, the state should enjoy legitimation by being organised in a way that ensures modes of political participation, legitimacy of decision-making processes, stability of political institutions, rule of law and effective and accountable public administration. Indicators of state failure in this area include: limited political freedom; increasing repression against opposition groups; election fraud; systematic exclusion of certain groups from decision-making and political participation; increasing human rights violations; no independent court and legal system; ineffective public administration; and an increasing level of corruption and clientelism.

The effective performance of all three functions can be seriously challenged by armed non-state actors when they systematically exploit the control and legitimacy deficits of the government and other state institutions. In particular, capable actors like rebels, militias, warlords or clan chiefs may even replace the state to some extent by providing a limited degree of security and offering some kind of welfare to the local population, albeit often in an arbitrary and unreliable manner, which could further undermine the state's legitimacy.

Based on the capabilities of states to fulfil their core functions, various types or configurations of statehood can be differentiated. Each type has specific implications for the relationship between state and armed non-state actors as well as for the opportunity structures for armed non-state actors.

a. *Weak statehood*: The state's institutions are still able to fulfil by and large the security function, but display grave deficiencies in fulfilling at least one of the two other functions. In other words, the government

and its apparatus are not willing and/or able to deliver sufficient public services and/or they suffer from severe legitimacy problems. This configuration can be studied in examples covering virtually all regions – see for example Macedonia and Albania in South Eastern Europe, most countries of Northern Africa, the Middle East and Central Asia as well as some states in Sub-Sahara Africa (e.g. Zimbabwe, Kenya, Zambia) and in Latin America (e.g. Venezuela, Bolivia, Peru). As these examples show, authoritarian or semi-authoritarian regimes often fall into that category. Despite appearing strong with regard to the monopoly of the use of force, they are in fact rather weak when it comes to provision of public services and their political and administrative systems, including the rule of law. Under these circumstances, armed non-state actors are usually not able to control a particular territory, or at least not for long periods. These states are thus not primarily threatened by clan chiefs, rebels or warlords, but rather by smaller groups such as home-grown criminal and terrorist organisations. Moreover, in some cases militias or para-military groups set up by state authorities may play a role in oppressing regime critics or minority groups. On the whole, security governance is still very much shaped, dominated and financed by state institutions (*security governance through government*), however, frequently conducted in an ineffective way (e.g. because of widespread corruption) and characterised by human rights violations.

b. *Failing statehood*: The state is no longer or has never been able to safeguard the security of its population. The monopoly of the use of force and the exclusive control over resources is either severely restricted or entirely absent, while the state is nevertheless able to function in at least one of the other two areas. Examples include Algeria, Colombia, Sri Lanka, the Philippines, Indonesia, Nepal, Yemen, Pakistan or Georgia. These states do not completely control their territory, and they are mainly characterised by armed regional conflicts where violent non-state actors occupy and control certain regions. However, these states still deliver public services to the majority of the population and/or still have some degree of political legitimacy. Sri Lanka serves as and example; despite the long-standing conflict in the northern region, the state as such performs comparatively well, providing public services and running the political system. The examples show that many states in the process of democratisation which are challenged by separatist forces fit in this category. Depending on the individual case, security governance clearly involves a range of armed

non-state actors; the government and its security apparatus is just one player among others (*security governance beyond government*). In particular, actors with territorial claims will figure rather prominently at the sub-national level, rebels, clan chiefs or 'big men' may even be able to establish para-state structures. In addition, this type of statehood offers favourable opportunities for transnational criminal and terrorist networks which profit from the security gap and the state's control deficits, especially regarding borders.

c. *Failed statehood* (or collapsed statehood): None of the three state functions is effectively performed. Statehood as such has collapsed. There may still be a central government, but in lacking resources, capabilities and power, it has hardly any impact. Recent examples include war-torn countries such as Somalia, Afghanistan, the Democratic Republic of Congo, Sierra Leone and Liberia. In the past, Angola, Tajikistan and Lebanon also belonged in this category. In comparison to the other two types, this situation can be described as *security governance without government.* Instead, the country in question is by and large dominated by relatively powerful armed non-state actors who rule not only regions and townships, but may also control the access to natural resources, trade and businesses as well as international humanitarian aid. They act as de facto key 'security providers' based mainly on violence, suppression and intimidation, but sometimes also on popular support (e.g. in the cases of clan chiefs or rebels). Under these circumstances, the establishment of warlord regimes is particularly significant. The same is true for the presence of mercenaries, criminals or marauders. In any case, the category failed states does not imply chaos or anarchy, but fragile and contested forms of political order established by a number of different non-state actors.

The analysis of failures and their possible causes, however, does not give the full picture. Despite negative indicators, a number of fragile states prove to be surprisingly stable, even on a relative low level. In some cases, deficits in statehood and governance exist over decades without leading to a complete breakdown of state structures. In other words, in order to understand fragile statehood, it is not just the question why things do not work, but also why some aspects of statehood are still in place that should be addressed. Fragility always implies a certain degree of stability. These 'stabilising factors' involve a range of social practices and political mechanisms, often developed by the ruling elites, including patronage and clientelism,

neo-patrimonial structures, cooptation of certain groups, forms of power-sharing and semi-authoritarianism, the mobilisation of traditional structures and informal practices of self-organisation (i.e. ethnic networks). Most of these mechanisms, however, do not lead to a sustainable statehood, but are part of the problem. The question is how can they be transformed or removed in a way that does not increase tensions and instability. Moreover, in most cases, the elites and particular groups would have to give up some of their power and privileges in order to reform and transform statehood. This problem becomes even more difficult in dealing with armed actors.

## Dealing with Armed Non-State Actors

Generally speaking, armed non-state actors can be seen as classical spoilers or trouble-makers for state-building and peacebuilding efforts, meaning the strengthening, reform or reconstruction of state structures and institutions. They have hardly any interest in consolidated statehood since this would inevitably challenge their position – a notable exception are private security companies who depend largely on governments' contracts. Capable state structures would limit their room of manoeuvre and opportunities to pursue their political and/or economic agendas. Some of them, such as militias or rebels, would face disarmament and, eventually, dissolution. Others like warlords, guerrilla fighters or terrorists would be forced to transform themselves, i.e. to become political forces or to integrate into official state structures, while criminals, mercenaries or marauders would simply lose economic profits. Therefore, they are more likely to challenge than to support any steps which would strengthen *security governance through government*, i.e. the (re-)establishment of the state's monopoly of the use of force. This behaviour can be observed in almost every international intervention, ranging from Bosnia and Kosovo to Haiti, Afghanistan and DR Congo, which aims at state-building. In these cases, the international community is confronted with the following dilemma: on the one hand, state-building activities have to be implemented against the vested interests of these armed actors in order to achieve positive results in the long run. On the other hand, progress in the area of security is often only possible if at least the most powerful of these actors can be involved in a political process which would grant them political influence (e.g. posts in an interim government) and certain economic and financial privileges which, in turn, could undermine the whole process of state-building. In other words, armed non-state actors are not only part of problem, but must sometimes also be part of the solution. In

particular with regard to already established para-state structures by warlords, rebels, 'big men' or militias, the question is whether it is possible to use these structures as temporary solutions and building blocs for reconstructing statehood, or whether this would simply increase the risk that they would be strengthened and legitimised so that the establishment of the state's monopoly of the use of force becomes even less likely. In other words, those actors who have in theory the greatest potential for state-building and security governance are also the ones who can mobilise the greatest spoiling power. Moreover, the international community runs the risk of sending the wrong message ('violence pays') by granting too much power or privilege to armed non-state actors who have already benefited from war and shadow economies. This may not only trigger increasing demands by these actors, but also seriously harm the credibility and legitimacy of external actors vis-à-vis the general public.

Clearly, there are no satisfying answers to these questions. Considering past experience, context-specific, flexible arrangements in dealing with armed non-state actors will always be necessary. However, more broadly speaking, the international community has in principle a number of options for 'spoiler management'. Depending on the type of actor and on the local situation, one or a mix of the following strategies might be appropriate:[17]

a. *Negotiating a political settlement*: At the negotiation table, facilitators or mediators aim at persuading the armed actor in question to refrain from the use of force and to abandon maximalist positions. Usually, pros and cons of possible solutions have to be exchanged, incentives and disincentives have to be taken into account and a compromise acceptable for all sides has to be found. Often arguing and bargaining strategies (including cost-benefit analysis) are combined in order to achieve such a positive-sum-game outcome. This scenario applies mainly to groups with a clear political agenda and which are strongly tied to a defined constituency (e.g. tribe, clan, ethnic group, political party). The most likely cases, therefore, are clan chiefs, 'big men' or classical rebel leaders; in some instances local terrorists or warlords may also be part of such a process, in particular when they seek to transform into more political figures.

b. *Socialisation*: In the context of established institutional arrangements (e.g. electoral system, modes of power-sharing) and through political practice spoilers are successively socialised into accepting certain norms and rules of the game. Armed non-state actors undergo processes of collective learning which may change their strategies and,

eventually, their preferences and their character. This medium- to long-term strategy may work again primarily for those armed actors with political ambitions who have to address certain long-term expectations of their followers.

c. *Bribery*: Spoilers are induced to cooperate or silenced through the offering of material incentives, i.e. economic resources or well-paid posts. This strategy is politically and normatively questionable; however, in some cases it is indispensable for getting a peace- and state-building process started in the first place (see e.g. Afghanistan). In particular, profit-driven actors such as warlords, criminals, mercenaries or marauders have often been receptive to such a strategy.

d. *Amnesty*: No less problematic from a normative point of view is granting amnesty for certain crimes and actions committed by non-state actors. This step, however, could work under certain circumstances as a precondition and an incentive to end violence. Generally, amnesty would be part of a larger political package and may not be applied to every crime or every group member. It might be especially attractive for groups who are aware of their weaknesses and for leaders who are willing to opt for a different political career.

e. *Containment and marginalisation*: This strategy aims at systematically containing the political and ideological influence of armed non-state actors. The idea is to isolate them from actual or potential followers and their constituencies as well as to marginalise them. For that scenario, a broad consensus is needed among political elites and societal groups not to deal with these actors and not to react to their violent provocations, but to continue an agreed peacebuilding process. This approach is an option in the case of rather weak or already weakened actors such as smaller rebel groups, terrorists or marauders.

f. *Enforcing splits and internal rivalry:* Another option aims at fragmenting and splitting armed groups between more moderate forces and hardliners. This can be achieved by offering secret deals to some leading figures or by involving them in a political process which would encourage them to leave their group or to transform it into a political movement. The strategy, however, can result in the establishment of radical fringe and splinter groups which may be even more extreme than the former unified group. This kind of fragmentation process can often be observed with rebel or terrorist groups.

g. *Coercion*: Finally, international actors may use coercive measures, including the use of force. Typical instruments are military or police operations aimed at fighting or arresting members of armed groups,

the deployment of international troops in order to stabilise a post-war situation or the implementation of international sanctions (e.g. arms embargoes, no-fly zones, economic sanctions, freezing of foreign assets, travel sanctions, war criminal tribunals) which could harm the interests of at least some non-state actors, in particular para-militaries, rebel leaders, warlords and clan chiefs.

## Conclusion

As indicated, all these methods have their downsides. In particular, they imply that the international community has to be prepared to make ambivalent decisions, to risk backlashes and failures and to put up with normative dilemmas. Moreover, the international community must be willing to invest political capital, resources and time into efforts to co-opt, transform or weaken armed non-state actors. However, all three are difficult to sustain. First, the international community – and in particular the UN Security Council – tends to focus primarily on cases of emergency and crisis which may have effects on regional and international security. If the situation has calmed, if a war has formally ended, high-level political attention will usually be absorbed by new crises despite the fact that state-building processes need long-term political support. Second, military, economic and personal resources are limited and demand exceeds supply. Moreover, the mobilisation of resources is directly linked to the question of political commitment. Third, external actors have the inherent problem that their mandates, budgets, programmes or projects are limited in time and scope. Local actors know that and take advantage of this. In particular those powerful actors who do not have an interest in giving up their privileges will pursue all kinds of delaying and obstructive tactics because they know that time is on their side.

In spite of the dilemmas, difficulties and obstacles outlined above, the alternative of staying out of war-torn societies and ignoring problems of fragile statehood is neither realistic nor desirable. Ultimately, disengagement means risking a dramatic worsening of the situation in fragile states, thereby making crises and the spread of armed non-state actors more likely. This would not only lead to additional humanitarian disasters, but create tangible security problems and governance failures – at the local, at the regional as well as at the global level.

## Notes

1 The US NSS states: 'America is now threatened less by conquering states than we are by failing ones'. The National Security Strategy of the United States of America, Washington, D.C., 17 September 2002. The European Security Strategy emphasises that failed states pose a key threat that can undermine global policy-making and increase regional instability. European Security Strategy, 'A Secure Europe in a better World', Brussels, 12 December 2003 http://ue.eu.int/uedocs/cmsUpload/78367.pdf.

2 *United Nations*, 'A More Secure World: Our Shared Responsibility', report of the Secretary-General's High-level Panel on Threats, Challenges and Change, New York 2004, 23–54.

3 For similar typologies, see Mair, S., *Die Globalisierung privater Gewalt* (Berlin: Stiftung Wissenschaft und Politik, 2002) 10; Wulf, H., *Internationalisierung und Privatisierung von Krieg und Frieden* (Baden-Baden: Nomos, 2005), 54–62; McCartney, C., *Engaging Armed Groups in Peace Processes* (London: Conciliation Resources, 2006), 3–4.

4 For a classical account, see Schmitt, C., *Theorie des Partisanen* (Berlin: Duncker&Humblot, 1963).

5 On the tactics of guerrilla warfare, see Münkler, H., *Gewalt und Ordnung* (Frankfurt am Main: Fischer, 1992) 152–162; Daase, C., *Kleine Kriege, große Wirkung*, (Baden-Baden: Nomos, 1999); O'Neill, B. E., *Insurgency & Terrorism* (Washington: Potomac Books, 2nd Edition, 2005).

6 One of the most prominent proponents of this strand was the Brazilian author *Carlos Marighela*, whose *Handbook of Urban Guerrilla Warfare* (1969) inspired numerous (mostly leftist) guerrillas and terrorist groups. Marighela himself founded the ALN (*Ação Libertadora Nacional*) that became known to a larger public through the terrorist attacks it launched.

7 This type includes groups as varied as the White Hand in Guatemala, the Argentine Triple A (Alianza Anticommunista Argentina), the anti-Kurdish Turkish Revenge Brigade (TIT), the protestant Ulster Defence Association (UDA) in Northern Ireland, the Autodefensas Unidas de Colombia (AUC), the pro-Serbian Arkan Tigers in Bosnia and Kosovo, the pro-Indonesian groups Aitarak (thorn) and Besi Merah Putih (red-and-white iron) in EastTimor or the Janjaweed militia in Western Sudan (Darfur).

8 This definition does not include corrupt and autocratic African presidents or politicians (e.g. the former president Mobutu of Zaire) which in the literature are also often called 'big men'.

9 Examples of this type can be found mainly in clan-based societies in Sub-Saharan Africa (see the various clan families in Somalia, the Tuaregs in Mali, the Baganda in Uganda or the Zulu in South Africa) and in the Pacific region, but also in countries like Yemen or Pakistan (Pashtun tribal areas along the Afghan-Pakistani border). See the classic analysis by Sahlins, M., 'Poor Man, Rich Man, Big Man, Chief: Political Types in Melanesia and Polynesia,' *Comparative Studies in Society and History*, (1963) 285–303. For more recent examples, see Ssereo, F., 'Clan politics, Clan-democracy and Conflict Regulation in Africa: The Experience of Somalia,' in *The Global Review of Ethnopolitics*, vol. 2, no. 3–4, (2003) 25–40; Englebert, P., 'Born-Again Buganda or the Limits of Traditional Resurgence in Africa,' *Journal of Modern African Studies*, vol. 40, no. 3 (2002) 345–368.

[10] On warlordism see Reno, W., *Warlord Politics and African States* (Boulder: Lynne Rienner, 1998); on the problem of war economies, see Jean, F. and Rufin, J-C. (ed.), *Ökonomie der Bürgerkriege*, (Hamburg: Hamburger Edition, 1999); Pugh, M., and Cooper, N. (ed.), *War Economies in a Regional Context: Challenges of Transformation*, (Boulder: Lynne Rienner, 2004); Heupel, M., *Friedenskonsolidierung im Zeitalter der 'neuen Kriege'. Der Wandel der Gewaltökonomien als Herausforderung* (Wiesbaden: Verlag für Sozialwissenschaften, 2005).

[11] Prominent examples of such warlords who later assumed high-ranking political positions in the government were Charles Taylor (Liberia), Walid Jumblatt (Lebanon), Laurent-Désiré Kabila (Zaire/DR Congo) or Abdul Rashid Dostum (Afghanistan).

[12] For various types of terrorism, see Guelke, A., *The Age of Terrorism and the International Political System* (London: Tauris, 1995); Waldmann, P., *Terrorismus. Provokation der Macht*, (München: Gerling Akademie Verlag, 1998); Schneckener, U., *Transnationaler Terrorismus* (Frankfurt am.Main: Suhrkamp, 2006).

[13] Terrorism is not restricted to a particular region in the world, but is a global phenomenon. Classical historic or current examples of terrorist groups and organisations are the Red Army Faction in Germany, the Action Directe in France, the Basque ETA, the Northern Irish IRA, the Kurdish PKK or the Tamil LTTE, the Islamic Jihad in Egypt or the various Islamic groups in Kashmir and Pakistan.

[14] For an overview on organised crime, see Krasmann, S., 'Mafioses Verhalten, unternehmerische Mafia und organisierte Kriminalität,' *Kölner Zeitschrift für Soziologie und Sozialpsychologie*. Sonderheft Soziologie der Gewalt, (1997) 200–219; Williams, P., 'Crime, Illicit Markets and Money Laundering,' in *Managing Global Issues. Lessons Learned,* ed. Simmons, P. J. and De Jonge Oudraat, C., (Washington: Carnegie Endowment for International Peace, 2001) 106–150.

[15] For private military and security companies, see Mandel, R., *Armies Without States: The Privatization of Security*, (Boulder: Lynne Rienner, 2002); Singer, P. W., *Corporate Warriors: The Rise of the Privatized Military Industry*, (Ithaca: Cornell University Press, 2003); Wulf, op. cit., 49–75.

[16] For this definition of fragile statehood, see Schneckener, U. (ed), *States at Risk. Fragile Staatlichkeit als Sicherheits- und Entwicklungsproblem*, (Berlin: Stiftung Wissenschaft und Politik, 2004) 12–17, 42.

[17] See also Stedman, S., 'Spoiler Problems in Peace Processes,' in *International Security*, vol. 22, no. 2 (1997), 5–53. He refers to three spoiler management strategies: inducement, socialisation and coercion.