UNDERSTANDING NON-STATE ARMED GROUPS

FORCES FOR GOOD, EVIL OR SOMETHING IN-BETWEEN?

Katariina Mustasilta, Olli Ruohomäki & Mathilda Salo

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Non-state armed groups (NSAGs) are standard yet versatile protagonists in today's armed conflicts. Struggling to deal with NSAGs, the dominant international conflict responses continue to rely on a narrow state-centric perspective that views NSAGs primarily as security threats to the Weberian state, whilst disregarding other forms of order present in conflict-affected settings.

This Working Paper suggests a new framework for understanding the role of NSAGs, based on their governance embeddedness and local legitimacy. Efforts by international actors to resolve complex political and security crises involving NSAGs need to be grounded in assessments of the societal roles of these groups, and in the acknowledgement of existing local networks and forms of organization. This requires comprehensive and rigorous conflict analysis guiding interventions and, most fundamentally, a step away from some of the assumptions pertaining to the state-centric approach – particularly that of the state's local legitimacy and its equation with governance.

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INTRODUCTION

Non-state armed groups (NSAGs) are standard protagonists in today's armed conflicts and more broadly in 'fragile states'.[1] NSAGs take various forms, operate on multiple conflict levels, and are embedded in local and transnational political economies in varying ways. Conflict data demonstrate that the number of NSAGs in conflicts has increased considerably in recent decades. Most contemporary state-based armed conflicts take place primarily between state forces and NSAGs, and the number of conflicts among NSAGs (thus not directly involving a state) went up from 29 in 2010 to 72 in 2020.[2] The proliferation of violent extremist groups – especially groups affiliated with transnational jihadist organisations – has raised particular alarm among international actors.

The cause for concern is warranted. NSAGs commit a large proportion of the deadly violence in armed conflicts, threatening not only states' security forces but often also civilians, their livelihoods, and security. In addition to groups that directly challenge the incumbent state actors, conflict-affected contexts are influenced by diverse communal and self-defence groups as well as pro-government militias and private armies.[3] Simultaneously, conflicts are increasingly internationalised and transnational, with an ever-wider pool of external actors influencing conflicts that originated from within a state.[4]

The continuing proliferation and versatility of NSAGs poses the question of whether the existing dominant approaches in conflict and crisis management are still an adequate and effective means of addressing peace and security challenges. Indeed, as the Taliban's swift take-over in Afghanistan upon the US withdrawal and the decades-long conflict demonstrate, NSAGs seem remarkably resilient in the face of the dominant counter-insurgency efforts, and field victories over insurgent groups do not necessarily translate into sustainable gains in the long run.[5] The inability to assess the societal role and resolve of NSAGs leads to difficulties in dealing with them and has long-lasting consequences for conflict management, resolution, and peacebuilding efforts.

The aim of this Working Paper is to contribute to a more nuanced understanding of the role and nature of NSAGs in conflict-affected contexts, and hence to a better grasp of how to tailor efforts to prevent and manage conflict escalation. To this end, the paper first analyses the (in)compatibility of the rich and complex reality of NSAGs and the dominant responses, particularly of Western actors, to conflicts involving NSAGs. NSAGs continue to be approached from a narrow state-centric perspective, which perceives them primarily as security threats (to a state), with some NSAGs categorically vilified whilst others are largely neglected. Instead, and second, the paper calls for a framework for dealing with NSAGs that pays more attention to armed actors' degree of local legitimacy and governance embeddedness. The latter refers to the actors' governance provisions and depth of local networks, and the former is defined as the local populace's views of the rightfulness (symbolic or empiric) of the actor. Acknowledging these aspects calls for comprehensive and rigorous conflict analysis guiding interventions and, most fundamentally, a step away from some of the assumptions pertaining to the state-centric approach – particularly that of the state's local legitimacy and its equation with governance.

WHAT ARE NSAGs?

Non-state armed groups are understood as actors 1) that operate outside the formal state-sanctioned realm, namely that do not originate from within the state structures; and 2) that are able and willing to use violence in pursuing their aims.[6] Such a broad definition covers a lot of ground and necessitates further discussion on the types of groups one is focusing on. A common first step is to distinguish between politically oriented groups and groups primarily motivated by profit seeking, such as

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1 Fragility understood as the state's challenge to provide public goods and services within its sovereign territory, unconsolidated state institutions, and crumbling social contracts.

2 Pettersson et al., 2021; see also Mustasilta 2021.

3 See Berti 2018; Krause & Milliken 2009.

4 The Uppsala Conflict Data Programme (UCDP) defines internationalisation of intrastate conflict as one or both parties to a conflict receiving military aid from an external state power. See Pettersson et al., 2021. Linkages among different NSAGs, for example between a local insurgent group and a regional or global Salafi-jihadist group on the other hand are commonly referred to through the notion of transnational(isation).

5 Murtazashvili 2022; Mason 2015.

6 See Berti 2018; Pearlman & Cunningham 2012; Krause & Milliken 2009.

criminal organisations. Yet even this distinction is not clear-cut. Armed groups often engage in or benefit from international criminal networks and illicit markets, as the FARC in Colombia or the Taliban in Afghanistan demonstrate, whilst some criminal syndicates (e.g. drug gangs, mafia) can be indistinguishable from warlords.[7]

Concentrating on the political groups, most analytical and public attention has been paid to formal rebel organisations and other anti-government groups that explicitly threaten and challenge (legal) state actors.[8] Such groups are commonly categorised into territorially oriented and governmentally targeted groups, such as the anglophone Ambazonian separatists in Cameroon, and the Maoists in Nepal (see Table 1).[9] However, this categorisation does not easily accommodate many contemporary NSAGs, such as groups affiliated with the Salafi-Jihadist Islamic State/Daesh that contain aspects from both categories.[10] Such categorisation also neglects pro-government or government-affiliated NSAGs, such as pro-government militias and private armies, as well as more informally organised communal and self-defence groups that operate at more of a local than a national level.[11]

To accommodate this diversity of NSAGs, most contemporary taxonomies include categories for autonomy- or independence-seeking separatists, anti-government rebels and insurgents or militants,

transnational revolutionary or terrorist groups, communal and self-defence groups, and pro-government militias and paramilitary groups.[12] Still, some groups are referred to as states-within-states to mark their high level of organisation and state-like governance provisions, whilst separation between insurgent and militant groups is meant to emphasise the former's higher capabilities to challenge the incumbent state and exercise control in the area of their influence.[13] The categorisation of violent extremist and terrorist-labelled groups presents further challenges. While such groups can be distinguished from other groups based on their totalitarian and intolerant politico-ideological orientation, and while at times they are treated exclusively as terrorist organisations, their nature on the ground often falls under the insurgent and militant group categories (see Table 2).[14]

Moreover, as the conflict environment in the Sahel demonstrates, in reality the difference between communal groups and jihadist insurgents, or between armed groups and civilians, is anything but clear, and the shifting relations among state and non-state actors form a reality that defies binary classifications.[15] NSAGs evolve over time, adapt their tactics vis-à-vis their (state) opponents, and are better regarded as open rather than closed systems.[16] Hence, whilst the plurality of NSAGs

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7   On the relations between different criminal and politically motivated groups as well as problems with simplified frameworks for viewing NSAGs, see Saab & Taylor 2009, and Bøås & Strazzari 2020.

8   Schmeidl & Karokhail 2009; Krause & Milliken 2009.

9   Berti 2018.

10   On jihadist groups' nature as insurgents, see Kalyvas 2018. On Daesh, see Mühlberger & Ruohomäki 2017.

11   Krause & Milliken 2009

12   See e.g. Berti 2018, 2016; Krause & Milliken 2009; Zohar 2016.

13   See Berti 2016; Krause & Milliken 2009.

14   Especially when talking about local groups affiliated with larger transnational actors. See Moghadam et al., 2014; Rupesinghe et al., 2021; Kalyvas 2018. For a focus on transnational terrorist organisations as a category of NSAGs, see Zohar 2016; for a discussion on terrorism as a tactic ultimately used by various actors, see Bak et al., 2019.

15   Bøås & Strazzari 2020.

16   Zohar 2016.

Table 1. Nepalese Maoist insurgents – locally legitimate alternative forms of governance providers

The Maoists in Nepal during the Nepalese civil war in 1996–2006 represent a classic example of a revolutionary insurgent group that fought the Royal Nepalese government and eventually toppled the country's monarchy. Many analysts observing the war at the time saw the conflict as a grievance-based conflict between the Kathmandu-based elite and the marginalised ethnic groups of the rural hinterlands. A Maoist commander related his story in the following manner: "One day I woke up to the realisation that there are those who have and those who do not have, and that I belong to the latter group".[a] This quote aptly illustrates the grievance-based narrative that was a driving force in the Maoist insurgency, which alongside its coercive tactics formed a hierarchically organised political force and participated fully in the local and international governance networks in the areas under its influence.[b]

[a] Ruohomäki's notes from Nepal 2006.
[b] ICG 2005.

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Table 2. Tehrik-e Taliban Pakistan – Straddling insurgency and militancy

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Tehrik-e Taliban Pakistan (TTP) is a good example of a militant group that straddles the line between a militancy and an insurgency. Emerging from the Tirah Valley on the Pakistan–Afghanistan borderlands, TTP evolved into a formidable fighting force in response to US pressure to target al-Qaida remnants who had escaped into Pakistan in late 2001. At the time, the local tribal militias were poorly armed and organised. Later on, a loose confederation of five Pashtun tribal militias merged into a unified Pakistani Taliban (TTP). TTP started to conduct attacks across Pakistan, gaining official recognition from the Afghan Taliban. Following a leadership struggle within the TTP, an Islamic State – wilayat – emerged on the scene in Pakistan. Terrorism expert David Kilcullen argues that less intense pressure on the tribal militias through policing approaches or even political engagement rather than a full-scale confrontation would have kept the militias stagnant and confined to the mountain valleys where they had been operating for centuries.[a] Instead, the coalescing effect of outside pressure and threat solidified TTP into a full-blown fighting force that currently threatens the very DNA of the Pakistani state.

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[a] Kilcullen 2020.

is important to acknowledge, drawing clear boundaries between different classes of NSAGs as the basis for how to approach them is difficult at best and harmful at worst. This is particularly the case when NSAGs are narrowly approached as security threats and chaos-inducing illicit actors, prioritising action based on their threat potential against the local and external states.[17] This neglects crucial aspects in the de facto societal roles played by NSAGs and state actors that could help in addressing the former.

THE DOMINANT APPROACH TO NSAGS

At the outset, NSAGs appear enigmatic from the perspective of building, maintaining, and securing peace and order. The dominant Weberian concept of statehood rests on the idea of a territorially defined state with an established monopoly over the use of force, in exchange for which it is expected to provide security and other services for its citizens. Any rivals, such as armed movements, must ultimately be eliminated so that the state's authority goes unchallenged.[18] This Weberian notion of a state and its principle of sovereignty form the basis of the international system, and the most consolidated and widely accepted norm of the international community – even when it is broken, such as in the case of Russia's war on Ukraine. Understandably, in this case, the primacy of a state, or a state-centric approach, guides and directs the actions and relations of states, but also that of other political actors to a large extent in any societal or international affair.[19]

This applies to international crisis management as well, which is inherently sensitive when it comes to interference in a sovereign state's internal political and security affairs (as most conflicts take place within states). Despite the growing attention to pragmatic or local turns in peacebuilding,[20] a strong state-centric perspective still underlies the dominant international responses to conflicts involving NSAGs. There is a general understanding that NSAGs and insecurity derive from the absence or the weakness of state actors and administration. This notion has a valid basis in research that points to the significance of bad state governance in causing grievances and opportunities that generate vulnerability to internal conflict.[21] However, whilst studies stress the accountability and equality of governance provisions, policy responses tend to centre more on strengthening the technical capabilities of state administration.[22] State-centrism is salient in the notion of "ungoverned spaces", used to characterise peripheral areas with little or weak state presence and duly assumed to be devoid of governance.[23] The lack of state governance is understood as a major contributor in both stoking grievances that increase support for NSAGs, and in giving them the space to emerge and consolidate.

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17   See Berti 2018.
18   Carbone & Memoli 2015.

19   Stepputat 2018.
20   See Wiuff and Stepputat 2018. The pragmatic turn in peacebuilding emphasises the need to go beyond the state-building project guided by the Western statehood model, and to engage with the existing forms of organisation.
21   Fjelde & de Soysa, 2009; Hegre & Nygård, 2015; Hendrix, 2010.
22   See e.g. Lhote 2021; Chandler 2010; Roberts 2011.
23   See Raleigh & Dowd 2013; Mustasilta 2022.

Accordingly, the dominant solution to NSAGs lies in restoring and "bringing back the state" in ungoverned spaces to undermine the grounds for NSAGs to operate.[24] In essence, this translates into state-building,[25] understood as strengthening the conflict-affected state's administrative and bureaucratic capabilities, (democratic) political institutions, and particularly security capabilities to enforce a monopoly over the use of force. The emphasis on security sector capabilities was clear in the US- and Nato-led efforts in Afghanistan – with the bulk of the efforts going towards building national security forces[26] – and it is salient in the Sahel, where European efforts concentrate on capacity-building and the training of security forces facing NSAGs.[27] Highlighting security capacity-building has also spread to development and peacebuilding efforts in recent years. For example, a considerable part of the EU's main conflict prevention and peacebuilding instrument is used to support the capacity-building of security actors and institutions.[28]

While security is a clear priority in conflict-affected contexts, investing in states' enforcement capabilities rarely suffices when it comes to fixing the situation, and military spending, for instance, can have dubious effects on a country's stability.[29] Indeed, actors such as the EU have started to put more emphasis on finding ways to strengthen governance more broadly.[30] Yet, particularly in conflicts involving NSAGs listed as terrorist organisations or violent extremist groups, the focus on strengthening security forces' counter-insurgency capacities remains strong amid difficulties in translating the rhetorical focus on governance into concrete action.[31]

Connected to the state-centric approach, the last twenty years of policies vis-à-vis NSAGs have been wholly influenced by the global fight against terrorism, catalysed by the 9/11 terrorist attacks in the US and the subsequent US-led war on terror. This emphasis on countering terrorism and violent extremism has tilted the focus towards certain NSAGs, namely terrorist-labelled and especially Salafi-jihadist organisations. This focus is understandable when one looks at the global trends in armed conflicts and terrorist attacks. In 2019, 28 out of the 54 recorded state-based armed conflicts

24 See Raineri et al., 2020 for an analysis of the EU's state-centric approach in Ukraine and Libya; Iso-Markku & Tammikko 2020 for the EU's state-centrism in the Sahel; Murtazashvili 2022 for an analysis of the state-centric focus in Afghanistan.

25 State-building differs from peace-building in the sense that whilst the former focuses on strengthening/supporting state construction, the latter centres on resolving the conflict and building sustainable peace. See Hofmann & Schneckener 2011.

26 See Whitlock 2021; Bennett 2014.

27 EUTM Mali; EUCAP Sahel Mali; EUCAP Niger.

28 See Mustasilta 2022; Bergmann 2018.

29 Gupta, de Mello & Sharan, 2001; Henderson & Singer, 2000.
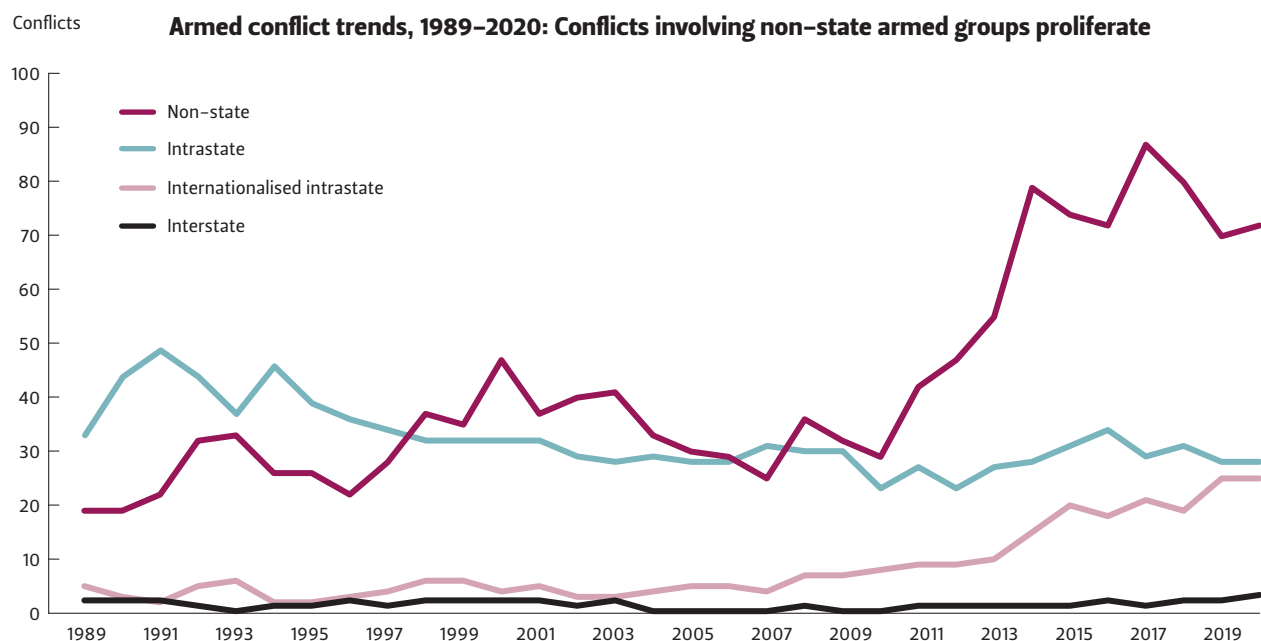
30 Goxho 2021.

31 Ibid.

Figure 1. Trends in aremd conflicts in 1989-2020. The last couple of decades have witnessed an upward trend of both internationalized intrastate conflicts and non-state armed conflicts. Same NSAGs are simultaneously parties to both non-state armed conflicts and (internationalized) intrastate conflicts.

Source: Uppsala Conflict Data Programme: UCDP Non-State Conflict Dataset version 21.1; UCDP/PRIO Armed Conflict Dataset version 21.1. Petterson et al. 2021.

involved Daesh, al-Qaida or their affiliates, and these groups have been responsible for the bulk of deadly terrorist attacks in recent decades.[32] Yet this focus has also had implications for dealing with NSAGs. The black-listing of jihadist-affiliated groups by big powers and international organisations constrains the available policy space to deal with such groups, effectively excluding them from peace negotiation processes or considerations.[33] Simultaneously, the focus on the threat posed by terrorist groups can translate into less attention to NSAGs not viewed as essential in terms of the fight against terrorism. In the Sahel, for example, the multiple international military operations and missions are focused on fighting or supporting the capacities to fight the jihadist groups. This leaves a range of NSAGs that also threaten human security outside of the mandated scope of the operations.[34]

From within this state-centric and counterterrorism-focused approach, the available space to engage with NSAGs emerges as rather narrowly defined, and characterised by a focus on transnational and national groups considered most threatening to the incumbent state actors. There are, of course, many examples of the EU, the US, and other international actors supporting and even participating in peace talks and peacebuilding with NSAGs.[35] Nevertheless, amid the proliferation of Islamist and jihadist-affiliated insurgencies, a considerable number of (trans)national NSAGs are primarily approached through a combination of counterinsurgency and state-building, with little or late consideration for supporting formal or informal conflict resolution and peacebuilding engagement with them. The example of the engagement with the Taliban in Afghanistan is telling. As they were approached primarily as a violent group harbouring international terrorists, they were categorically excluded from political talks until the scope of the insurgence made it impossible to dismiss. Instead, the focus was on restoring and building the central state and particularly its security capabilities, and militarily countering the insurgents viewed narrowly as a security threat.[36]

Subsequently, rather than peacebuilding being followed by state-building, the order appears reversed in many contemporary conflict contexts, where priority is given to the capacity-building of state partners to counter the most prevalent threats to the state's stability and the security of its international supporters.[37] Dealings with subnational NSAGs that do not pose such threats become secondary in this approach. The struggle regarding conflict resolution and peacebuilding can be seen in the diminished rates of peace agreements amid the high number of conflicts. Notably, the intensifying geopolitical competition among global and regional powers may further complicate peacebuilding efforts and push for more "technical" state-building and security sector support for partners.[38] At the same time, the localised, networked, or fragmented nature of many NSAGs – be they communal groups, self-defence militias, or factions of extremist groups – challenges the existing frameworks of international actors to deal with or even recognise such groups.

WHAT IS THE STATE-CENTRIC APPROACH MISSING?

The key challenge with this dominant, state-centric approach to NSAGs and conflicts is that it relies on misguided assumptions about the nature of governance, including security governance, in conflict-affected contexts. Specifically, the efforts to build the capacities, train, and equip state structures tend to overlook the hybridity of the governance realm and the de facto roles of state and non-state agents within it.[39]

Most present-day armed conflicts – from Afghanistan to Colombia and Mali – take place in what can be called hybrid political orders or mediated states, that is, in contexts where "diverse and competing claims to power and logics of order coexist, overlap and intertwine".[40] Rather than being 'ungoverned spaces' or social order being exclusively the realm of a Weberian state, customary authorities and justice systems, neighbourhood organisations and livelihood groups, for example, "govern alongside, within, or beyond the modern state".[41] These institutions are not merely signs of state fragility, but actively contribute to governance

32 Pettersson & Öberg 2020; Global Terrorism Index 2020.

33 For example, France has rejected possible negotiations between Mali and the JNIM group in the Sahel. The Islamist group Hamas is also labelled as a terrorist entity that must be shunned in the negotiation processes.

34 See International Crisis Group (ICG) 2021; EUTM Mali.

35 E.g. support for peace processes in Colombia and or Indonesia, diplomatic pressure for a negotiated solution to the conflict in Ethiopia, and the US-Taliban talks. For a broader discussion, see Hofmann & Schneckener 2011.

36 Murtazashvili 2022.

37 See Raineri et al., 2020.

38 See Mustasilta 2022; 2021.

39 Raineri et al., 2020; Boege et al., 2009; Baldwin 2015.

40 Boege et al., 2009; Menkhaus 2008. Some governance hybridity takes place even in the most consolidated Weberian states. However, the impact of hybridity on governance outcomes is particularly meaningful in spaces where the state is weak.

41 Mustasilta 2019b, p. 11; for example, see Murtazashvili 2016; Ntsebeza 2005; Raineri et al. 2020, p.12.

<table>
<tr><td style="background-color:#8B2050; color:white;">**Table 3. Private militias of local Afghan powerbrokers**</td></tr>
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The private militia of the Afghan powerbroker Haji Abdul Zaher Qader, member of parliament and former deputy speaker of the parliament in Afghanistan is a good example of private actors vying for power and governing territory with the acquiescence of central authorities.[a] In response to the lack of gains in the counterinsurgency efforts against the Taliban, the US established auxiliary police forces in the Afghanistan-Pakistan borderlands with the aim of propping up anti-Taliban actors. The US armed and paid for a motley assortment of gunmen, who became in essence the private militias of local power brokers. Haji Qader was one of these. He ran his private fiefdom in the Achin district in Nangahar province. Besides being an MP, he was a drug kingpin running his own heroin laboratories. The area was one of the main localities where Daesh militants were staging a base for further attacks in Afghanistan. In December 2015, Haji Qadir's private militia hit the news when they arrested a number of Daesh militants, decapitated them, and displayed the severed heads on stakes as a warning to other militants. Some of the locals were of the opinion that the arrested individuals were not Daesh militants, but rather local men from a different tribe who had crossed paths with Qadir's narco business. Whatever the truth of the matter, the case exemplifies the politics of co-optation and accommodation of some NSAGs by international actors (in this case primarily the US) in order to beat other NSAGs deemed the main enemies. The arming of private militias contributed to consolidating the fragmented political and security order in the hinterlands of the Afghan polity.[b]

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[a] Clark & Osman 2017.
[b] Ruohomäki's notes from Kabul 2017.

and political outcomes such as elections and peace. The relations between them and the state-sanctioned actors also vary between and within states. For example, support for customary authorities often positively correlates with rather than contradicts support for (democratic) state structures.[42] In such contexts, statehood, understood as control over the use of force and administrative capacity, does not determine the quality-of-service provisions, which are also shaped by other than state actors.[43]

NSAGs involved in armed conflicts also participate in governance. A burgeoning research field of rebel or wartime governance has demonstrated that rather than the question being whether NSAGs take part in providing institutions and practices that govern the local populace's life beyond violent coercion, it is more about how and to what extent they already do.[44] Recently, more insights have also been gained with regard to embeddedness in the local governance structures of jihadist insurgents.[45] While the Ansar al Sunna insurgents in Northern Mozambique or the JNIM network in the Sahel are linked to the broader Daesh and al-Qaida organisations, approaching them solely through the global jihad lens overlooks their strategic and tactical autonomy, and their local embeddedness

in terms of the motivations and grievances driving their mobilisation.[46]

Not only do non-state actors play societal roles beyond violence, but the states' and their supporters' own governance role is often ambiguous and insecurity-producing.[47] As the case of Afghanistan demonstrates (see Table 3), holding onto the Weberian ideals is in practice selectively performed as certain NSAGs, for example warlords and militias, are cooperated with or tacitly accepted when seen as beneficial in the fight against terrorists.[48] State-affiliated forces also inflict considerable harm on civilians. In 2020, Malian security forces killed more civilians in the country than jihadist-affiliated groups.[49] Similarly, the Afghan National Security Forces and the US-led coalition were responsible for a considerable number of civilian casualties in Afghanistan between 2001 and 2021, infuriating civilians and negatively impacting their attitudes towards the state.[50] More broadly, the non-linear relationship between the international legitimisation of a state on the one hand, and its legitimacy from the perspective of the local population on the other, is worth stressing, as countries such as Syria or Myanmar so clearly demonstrate. Indeed, the Afghan state did not fall simply due

42   Logan 2009; 2013.
43   See Lee et al. 2014.
44   See Arjona et al. 2015; Arjona 2016; Mampilly 2011; Loyle et al. 2021.
45   Rupesinghe et al. 2021.

46   See Warner 2021.
47   Boege et al. 2009; Mustasilta 2022.
48   Gopal 2014; Jackson 2021.
49   ISS Africa 2021.
50   Lyall et al. 2013.

to a lack of technical (security) capacities in 2021, but more importantly due to the lack of legitimacy and accountability of the state institutions.[51]

In such societal spaces, approaching conflicts through the state-centric perspective and dealing with NSAGs solely as security threats risks being ineffective and counterproductive. Non-state actors providing security, judicial or public services (including NSAGs) remain consequential in practice and can mediate the effects of international security interventions even when their role is ignored in policies.[52] Security sector reform and capacity-building programmes may inadvertently strengthen patronage networks and embolden certain NSAGs, as resources earmarked for the formal state security forces flow to the de facto security providers.[53] Beyond leading to ineffective stabilisation and reform processes, the state-centric approach may induce grievances and alienate local populations. This is because it neglects the various other governing actors and institutions that may well be more locally legitimate and/or crucial to governance provisions than the state.[54] There are many examples of attempts to impose a central state and replace local authorities and institutions contributing to political grievances, with significant repercussions for peace and stability efforts.[55]

None of this is to say that state dysfunctionality or fragility would not contribute to conflicts, nor that efforts to strengthen the state's governance quality would be non-essential. Yet efforts to build a police force, impose local state structures, or reform the judicial system have a hard time sticking on the ground if they do not build upon understanding and acknowledgment of the existing hybrid political orders.[56] After multiple costly, securitised state-building and counterinsurgency interventions have failed to deliver the desired outcomes, the old discourse and framework for managing crises and NSAGs is in urgent need of renewal. Building on more pragmatic approaches to peacebuilding, a framework with a focus on the role of local legitimacy and local governance provisions and networks towards NSAGs is needed.

NSAGs THROUGH A NEW LENS

The 'pragmatic turn' taking shape in international peacebuilding is not a new discourse, yet it has gained ground in recent years.[57] Instead of relying heavily on external resources and Western perceptions, pragmatic approaches to peacebuilding entail deeper engagement with already existing local tools and governance forms in the often-multifaceted conflict environment. There is a shift away from an overemphasis on state actors towards acknowledging and including non-state actors that deliver significant security and governance in peacebuilding efforts.[58] International organisations involved in peacebuilding, the World Bank, the OECD DAC and the UNDP, are starting to recognize that even violent non-state actors that provide security and justice services can possess more legitimacy than state actors. Therefore, they must be included or engaged with in peacebuilding efforts. Following a 'multilayered approach' in the Democratic Republic of Congo (DRC), for example, there have been some efforts by UN mission MONUSCO to support local groups involved in communal self-protection, with the aim of strengthening their role in security governance.[59]

In order to avoid romanticising or inadvertently empowering violent actors, however, premises for how to address and deal with them are needed when pushing for a more empirically grounded rather than Weberian ideals-based approach. This paper highlights the importance of assessing the armed actors' level of local legitimacy and governance embeddedness in this regard.

Local legitimacy in this context refers to a local population's "shared belief in the rightfulness of an armed group's [non-state but also state-enforced] agenda and activities".[60] Local legitimacy thus refers to the de facto acceptance of and belief in an actor as rightful in a role it has assumed among those most influenced by the position. It relates closely to the popular support enjoyed by an actor and the battle for the hearts and minds of the local population.[61] Notably, this paper deliberately stresses local legitimacy rather than national or international legitimacy. The subnational or local level remains side-lined by the state-centric approach. Yet it is crucial to understand

51 Murtazashvili 2022.

52 For cases on the non-inclusion of NSAGs in security sector reform in Africa, see Detzner 2017; for the effects of the EU's security sector reform efforts in Ukraine and Libya, and the impact of hybrid security governance structures, see Raineri et al., 2020.

53 Raineri et al., 2020.

54 Boege et al. 2009

55 See e.g. Seibert 2003; Ntsebeza 2006; Murtazashvili 2016.

56 Boege et al. 2009.

57 See Wiuff & Stepputat 2018.

58 Ibid.

59 Stepputat 2018.

60 Schlichte and Schneckener 2015, p. 410, square brackets added.

61 Hence, the focus here is on empirical legitimacy – belief in an actor's rightfulness or justification for its activities – rather than legal legitimacy. See Schlichte and Schneckener, 2015.

it in order to design effective counterinsurgency and crisis management policies.

There are multiple sources of local legitimacy, but two dimensions stand out with regard to NSAGs, which can rarely rely on de jure legitimacy. Legitimacy can derive from a belief in a rightful cause, namely the rightful agenda, origin, and ideational grounds of an actor (including traditional, ideological, identity-based), and/or legitimacy may derive from the actor's deliverables and activities (i.e., governance provisions). These different sources of legitimacy, which can also be called symbolic and performance-based sources of legitimacy, naturally work best for an actor when combined.[62] However, an actor may enjoy some level of local legitimacy thanks to its deliverables or outputs, even if it would not enjoy strong symbolic legitimacy based on its agenda (and vice versa).

Notably, local legitimacy can be thought of as a relative resource. If a state actor is perceived as locally illegitimate due to its bad performance vis-à-vis constituents in an area, the legitimacy of another actor – an NSAG for example – may become fostered if it is considered to be doing at least a better job at provisions of governance. Relatedly, locally illegitimate action by a state actor, such as victimisation of the local populace, may in fact legitimise NSAGs, as suggested by examples from Lebanon and Afghanistan.[63] Local legitimacy of both state and NSAGs also varies depending on the context within states, and NSAGs use different strategies to strengthen their legitimacy. In cases where state presence has been absent, lacking or perceived negatively, NSAGs can gain legitimacy by producing even some basic social and security services that people need, even if their agenda would not enjoy popular support.[64]

Assessing the degree and sources of NSAGs' and state actors' local legitimacy is crucial when designing responses to conflicts and engagement with NSAGs. To exemplify, consider two alternative scenarios: In one situation, an NSAG has both high symbolic and performance-based legitimacy among a significant population group, whilst the state's symbolic legitimacy among this population group is weak. In another situation, an NSAG mainly relies on performance-based legitimacy whilst the state's legitimacy deficit is largely the outcome of its incapacity to deliver. To be tackled effectively, such situations require considerably different approaches.

In the first case, efforts to impose state order, even if technically well-capacitated, can backfire as the state's symbolic right to rule is questioned, and enforcing it might appear foreign and threatening to the people (as discussed in the previous section). In this scenario, the fact that the NSAG enjoys legitimacy not only because of the deliverables but also thanks to its agenda needs to be considered when engaging with it. In the latter case, enhancing the state's capacity to deliver would be justifiably prioritised, whilst the state and international actors would rightly caution against empowering the NSAG with little popular support.

In any situation, it would be important to study the reasons behind the state's low legitimacy. Is it just failure to deliver or does the problem also lie in the illegitimacy of the state due to its way of ruling (perceived abusive or foreign)? The same applies to the various NSAGs. How locally legitimate are they perceived to be in different areas and among different societal groups, and where does the legitimacy derive from? Is it simply a function of basic deliverables that can compete with the state's performance, or do they also enjoy symbolic legitimacy? Assessing such factors is essential for prescribing the right medicine, yet difficult in practice. Good places to start in assessing the local legitimacy of different actors would be indicators such as stated support for actors (polls), rallying on their side (demonstrations, nonviolent mobilisation to support), reactions to violence perpetrated by different actors, and closeness of the socio-political and socioeconomic background of the actor and the local populace.

Closely related to local legitimacy is the embeddedness of NSAGs in local governance frameworks. Here, governance embeddedness refers to the type and extent of governance provisions that the NSAG performs, such as security and judicial provisions, tax collection, other public services such as health and education, and the depth of its networks with local governance providers.[65] This is of course closely connected to legitimacy. A group that effectively provides governance provisions is likely considered more locally legitimate (at least in terms of performance-based legitimacy) than a group whose rule is restricted to coercive tactics. Conversely, a group that is considered legitimate, for instance via ethnicity, is likely better able to enforce rules and act as a governance provider than a group considered foreign or otherwise unsuitable for the local context. Yet there are grounds for addressing the governance

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62   Ibid. See also Giustozzi 2012; Terpstra 2020.
63   Malthaner 2015.
64   McCullough 2015.

65   See Arjona et al. 2015; Loyle et al. 2021.

provisions and depth of networks separately from local legitimacy.

Consider, for example, many jihadist-linked insurgent groups in sub-Saharan Africa: such groups rarely enjoy high local legitimacy due to their unpopular symbolic grounds and highly coercive tactics. Yet they may have some performance-based legitimacy that derives from their security and public order provisions, sometimes considered less arbitrary and corrupt than the state's.[66] Moreover, even when providing only rudimentary governance provisions, these groups tend to be embedded in the local hybrid governance networks in multiple ways, governing indirectly through co-opting or allying with local actors, and participating in the local political economy.[67] The more a group is involved in the local networks of governance – even if not itself a direct governance provider – the more difficult it is to kill off, and the more unintended consequences militarised counterinsurgency efforts can have for the local socioeconomic realities.

Based on these interconnected variables of local legitimacy and governance embeddedness, some general expectations can be formed considering the different types of NSAGs discussed earlier. Groups that enjoy wide local legitimacy within a territory or among certain societal groups and that are also more embedded in the local governance networks, and vice versa, tend to be territorial or revolutionary rebel groups that may mobilise along ethnic or other major societal cleavage lines. Yet not all separatist or revolutionary groups enjoy similar local legitimacy, develop or even pursue equal governance embeddedness, and one must assess the extent to which their legitimacy is the result of the opponent's low local legitimacy. With some NSAGs and with some state actors, local legitimacy is also likely to follow horizontal lines along ethnic or territorial boundaries. Informally organised communal groups are likely to enjoy relatively high local legitimacy in terms of their agenda among the societal group within which they mobilise. Yet they can be expected to be more constrained in the governance provisions they have the capacity to provide. Pro-government militias might enjoy legitimisation by the state (indeed even legal legitimacy), yet their local legitimacy and governance embeddedness vary considerably. Jihadist and criminal organisations may enjoy performance-based local legitimacy but often little symbolic legitimacy, whilst at the same time being relatively widely embedded in local governance frameworks.

The local legitimacy and governance embeddedness of NSAGs have implications for the way in which they should be addressed in terms of coercive, accommodating and negotiating approaches.[68] For example, local groups that are highly legitimate but do not play significant independent governance roles can perhaps be relatively feasibly accommodated to state structures, which can make the state more bottom-up in its construction

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66 ICG 2021; Rupesinghe 2021.

67 ICG 2021.

68 See Hofmann and Schneckener 2011.

Table 4. Hezbollah – A state within a state

Hezbollah wields significant power in Lebanon, where it operates as both a Shiite political party and a militant group. Its extensive security apparatus, political organisation and social services have fostered its reputation as a state within a state. Hezbollah manages a vast network of social services including health facilities, schools, and youth programmes. Its military wing consists of a militia of up to twenty thousand active fighters and an equal number of reserves, with an arsenal of small arms, drones and even tanks and rockets. It is among the most heavily armed non-state actors in the world. Hezbollah grew in the chaos of the Lebanese civil war and has become a formidable actor in the Middle East. It has fought wars with the Israeli war machine and has more recently supported the murderous Assad regime in the Syrian civil war. Some observers consider Hezbollah an Iranian proxy. Be that as it may, Hezbollah has become part and parcel of the Lebanese polity to such an extent that other Lebanese actors cannot take on Hezbollah and attempt to topple it without serious consequences for their very existence. Gaza-based Palestinian group Hamas emulates Hezbollah in many respects, albeit on a smaller scale.[a]

[a] Ruohomäki's notes from Lebanon 2009.

as well. Groups that have low symbolic legitimacy but that are embedded in the governance frameworks and enjoy some performance legitimacy can only be countered if their governance embeddedness is acknowledged, and if the needs they serve are met through more legitimate institutions and actors. In these cases, if a state is considered relatively legitimate (but inefficient), simply better capacitating the state can help. Groups that are deeply embedded in the governance networks and enjoy symbolic local legitimacy are the most difficult to eradicate with force, and most in need of not just accommodation but also negotiation as forms of engagement for peaceful resolution of the conflict. Hezbollah and Hamas are examples of such groups(see Table 4). Finally, groups with low legitimacy and low governance embeddedness, such as small cells or networks that mostly commit terrorist attacks,[69] can most justifiably be dealt with by coercive methods.

Of course, local legitimacy and governance embeddedness are not the only meaningful variables that ought to guide approaches to NSAGs. Tactics, size, forms of mobilisation and financing, and political and economic aims are certainly important as well. Yet approaching NSAGs solely based on their political aims and capabilities, for example, without a specific focus on their local legitimacy and governance roles, risks creating ineffective and counterproductive responses. Many of these factors are also interlinked. The tactics used and the way a group mobilises, locally or by relying heavily on external resources, likely influences local legitimacy, and vice versa.

Acknowledging and considering NSAGs' local legitimacy and governance embeddedness requires commitment and resources in conflict analysis, and a step away from the state-centric approach. Both policies of accommodation and coercive strategies are at risk of being ineffective and counterproductive if they are not based on a thorough analysis of the actors and their societal roles; their motivations, ties, unity, mobilisation structures, local popularity and recognition, and the governance services they provide in different areas. Key regional and international actors involved, from regional powers to neighbouring states and multilateral organisations, need to be considered as well. A thorough conflict analysis that addresses issues of legitimacy and governance embeddedness requires close cooperation with local civil society actors, journalists, and researchers most present in and knowledgeable of the de facto governance realm. This is undoubtedly sensitive from the state's point of view yet necessary if the aim is to exert a sustainable impact. A rigorous conflict analysis can also be instrumental in demonstrating the need for changes in the government's policies vis-à-vis a security crisis or insurgency in the country, for example.

More broadly, even if awkward from the Weberian point of view, this approach requires a step away from assuming the state's relative legitimacy or the dependence of its legitimacy deficit solely on its technical capacities. A more nuanced notion that considers the different horizontal cleavages but also the different sources of legitimacy – recognised and discussed by Weber himself – of different hybrid structures and how the state may or may not fit alongside these is needed. This is not to say that state-building does not work per se, but rather that it needs to acknowledge the hybridity and think creatively and context-specifically about how to build a state that is locally legitimate.

CONCLUSIONS

Like most concepts in social sciences, the Weberian conceptualisation of a state is best understood as an analytical tool helping to make sense of the complex reality around us. This involves a fair amount of simplification, but also contains a normative assessment of an ideal system. Yet, as discussed in this Working Paper, in many contemporary nation-states the core attributes of this ideal state – including the unambiguously legitimate use of force – do not describe the de facto situation. There are other actors and structures that not only challenge a state, but also participate in constituting and providing governance, including security. State fragility does not automatically translate into equal governance fragility across a territorial state, and fragility is not merely a question of technical capacities, but a question of (local) legitimacy. This is not to say that state-building efforts are futile, and nor is it to romanticise the role of non-state governance providers. NSAGs are responsible for reprehensible acts of violence against civilian populations. However, the argument is that the hybrid realities are largely neglected or left hidden in the state-centric approach, which leads to misdiagnosed efforts to deal with conflicts. NSAGs are usually approached solely as illegitimate actors challenging the legitimate state, without much attention to their diverse roles within societies.

69   Rupesinghe et al.; Kalyvas.

A more nuanced framework can better address the challenges posed by NSAGs. This approach builds on acknowledging the hybrid nature of governance realms and stepping away from the assumption that a state's legitimacy merely depends on the technical capacities to deliver its rule. Regarding the non-state actors, this Working Paper firstly shed light on the empirical richness of the realm and the way the current approach is not necessarily suitable for addressing it. Secondly, the paper has suggested focusing on the local legitimacy and governance embeddedness of these actors. Whilst the Weberian ideal state builds on a legal-rational type of legitimacy, other sources of legitimacy that NSAGs derive their resilience from have also been emphasised in this paper.

The implication of the paper is a shift in the approach vis-à-vis NSAGs away from that of dealings predetermined by the groups' opposition to the incumbent state towards engagement based on assessing their societal roles. When an NSAG is part of the social fabric of a country and enjoys some local legitimacy, simply countering it and strengthening the state's technical capacities will not fix the situation. In fact, as the twenty years of counterinsurgency and state-centric governance efforts in Afghanistan demonstrate, this may be counterproductive and play into the hands of the insurgents. The categorical exclusion of certain types of NSAGs from anything other than counter-terrorism or counterinsurgency dealings is not only ineffective but often morally dubious given the dealings with highly locally illegitimate and abusive state actors. This does not mean that one should romanticise the NSAGs or give up on the idea of building a state. Yet these efforts need to be based on a pragmatic assessment of the governance realities and on recognising the importance of the contract part in Weberian thinking. For a state to function, it needs to be perceived as legitimate and therefore built on acknowledgment of the existing local networks and forms of organisation. /

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