Ungoverned territories

Engaging local nongovernmental entities in U.S. security strategy

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State weakness has become a prime concern for U.S. national security, and so-called ‘ungoverned territories’ are central to this concern. However, we need to differentiate between different kinds of ungoverned territories, and give special attention to zones of competing governance - places that are governed by entities other than the forces of an established nation-state - and the hierarchy of loyalties within them. This article describes key characteristics of these areas, and offers implications organized around three activities: research (more refined analysis and clarity of terms are needed), policy (improving state legitimacy may be more important than addressing weaknesses in capacity or will), and strategy (we must consider alternatives to our state-centric strategies for tackling non-state security threats).

‘Weak states’

Within the last ten years, U.S. national security strategy has focused increasingly on how ‘weak states’ provide opportunities for transnational terrorist and criminal networks to find a safe haven and facilitate the kinds of trafficking and black market transactions that could contribute to the proliferation of weapons of mass destruction. However, the term ‘weak state’ is problematic. Many scholars and policymakers refer to the absence of a central government presence in a particular region of a country, often incorporating other terms like ‘ungoverned space’ or ‘lawless area.’ For example, the National Intelligence Council has described “failed or failing states” as having “expanses of territory and populations devoid of effective government control.”

Similarly, the U.S Government Accountability Office (GAO), in its 2007 report Forces that Will Shape America’s Future, defines “failed or failing states” as “nations where governments effectively do not control their territory.” Susan Rice and Stewart Patrick describe weak states as lacking “the capacity and/or will to perform core functions of statehood effectively.” In her June 2011 Congressional testimony, Shari Villarosa, Deputy Coordinator of Regional Affairs for the U.S. State Department, described how her organization

“defines terrorist safe havens as ungoverned, under-governed, or ill-governed physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative security because of inadequate governance capacity, political will, or both.”

Myriad reports and articles suggest that dire threats to U.S. national security may be originating from places where a central state authority is absent, mainly because it is either unable or unwilling to govern that territory. This perspective has come to play a
prominent role in U.S. strategies and policies to counter the threat of terrorism. As Liana Wyler recently noted, “the past three U.S. National Security Strategy documents all point to several threats emanating from states that are variously described as weak, fragile, vulnerable, failing, precarious, failed, in crisis or collapse.” A recent report by the American Security Project describes how “the challenge of ungoverned spaces remains a core issue in the management of the threat posed by transnational terrorism. A lack of government capacity allows terrorist groups to find sanctuary.” As a result, the U.S. has spent billions on programs meant to prevent state failure and strengthen weak states, providing equipment, training and funding in order to shore up their military, police, and border security capabilities - the idea being that increased kinetic force projection capabilities (and to a minor degree, increased provision of services) within the state will lead directly to reduced security threats from its ungoverned spaces.

**Nuanced perspective**

However, when we examine specific attributes of these ungoverned spaces and their propensities to offer a safe haven to terrorists and criminals, we find that a more refined and nuanced perspective is necessary. If an area is described as ‘ungoverned’ one may assume that nobody is providing any services for the common good, like security or law and order. These kinds of ‘no man’s land’ - where there is truly nobody in charge, nobody providing the slightest sense of order - are relatively rare, and include the most remote parts of African jungles and deserts, distant ocean passages, and huge tracts of frozen land in northern Canada, Greenland, northern Russia and Antarctica. These are unstable and insecure places that offer relatively few benefits to terrorist or criminals, other than isolation from prying eyes. There is no infrastructure to use for establishing viable training facilities and operational headquarters; transportation to, from or through these kinds of places can be difficult and expensive; the climate and terrain may render these places inhospitable or even uninhabitable; and, as a result of this confluence of factors, attracting new recruits or financial support becomes increasingly difficult. As Angel Rabasa notes,

> “if the territory is so undeveloped that terrorists cannot communicate, move funds, or travel from remote locations to urban areas, it will be difficult for them to organize and execute attacks. As a result, completely ungoverned territories lacking even those basic assets would hold little appeal for a terrorist group that, like any organized entity, requires at least a semblance of structure to operate.”

Instead, it is more often the case that criminal and terrorist networks thrive under the protection of local power structures (these can sometimes involve both state and non-state actors) in places where they can move and operate invisibly. In fact, invisibility within a secure territory that has a functioning infrastructure may be the most important kind of safe haven a clandestine network can have. Rather than a chaotic,
unstable ‘ungoverned space,’ these groups are much more likely to prefer places where someone other than the state is providing security and other basic services, and where their activities can be conducted with relative openness and impunity. In essence, zones of competing governance can provide order and infrastructure, things absent in truly un governed territories.

Thus, for the purposes of understanding and countering the most complex modern security challenges, we must focus on a more critical - and far more common - type of ‘ungoverned space,’ one that is actually not ungoverned at all. Rather, these are sometimes called a ‘zone of competing governance’ or a ‘region with parallel governance structures’ - in essence, a place governed by entities other than the forces of an established nation-state. Within these zones, a diverse array of forces seen by locals as having legitimacy or power to govern may include tribal leaders, warlords, clan patriarchs, or sometimes even mafia dons or leaders of terrorist or insurgent groups. In short, the importance of these regions lies not in the absence of governance, but rather, the manner in which they are governed, and by whom.\textsuperscript{11}

\textbf{Zones of competing governance}

There are many factors that contribute to the existence of these zones. In some cases, a state’s capacity or will to provide critical services (like security, health, education, economic assistance, etc.) is limited, and their lack of presence in this zone creates an enabling opportunity for other forms of governance. In other cases, inhabitants of a zone of competing governance may reject the state’s claim of legitimate authority, and direct their loyalties instead toward informal power structures within ethnic groups, clans, or tribal systems.\textsuperscript{12} Within these zones of competing governance, those who have influence and power operate under a different set of rules than the formal governments of nation-states. Trust is established not by a legal system or formal contract between a leader and those governed, but by informal systems of traditional customs, patronage, kinship and other means. Rather than a truly ‘ungoverned area,’ there is actually some sense of order here: a functioning security and intelligence apparatus, some forms of commerce and transportation, even a local customs-based mediation system for resolving disputes. But this order is not controlled or perhaps not even sanctioned by the nation-state.

There are several kinds of zones, including rural and urban, in which these non-state forms of governance take place. A rural zone of competing governance will typically be located in rough terrain at a fair distance from any major presence of the nation-state government. From dense jungles to arid deserts, the isolation afforded by these places allows maximum freedom and flexibility for organized non-state actors. This kind of geographic terrain may also be of particular interest to terrorists and criminals if it offers a bounded territory that can be defended by locals from outsiders or government forces. Several regions of Yemen, for example, are often described by scholars and the media as ‘lawless’ and desperately poor, although locally-based informal governance
systems are common. Other examples include the dense jungle areas of eastern Peru, Moro communities on the island of Mindanao in the Philippines, and eastern provinces of the Democratic Republic of Congo.

Some zones of competing governance transcend the border regions of multiple states. As described in greater detail later in this article, the border region of Afghanistan and Pakistan offers a prominent example of this - particularly areas of southeast Afghanistan and northwest Pakistan, which is populated by a diverse mix of Pashtun tribes and warlords whose militias are often targeted by (or sometimes allied with) various elements of Taliban, influential leaders of the Al Qaeda network, and Kashmiri separatist groups. Other examples include Kurdish regions of southern Turkey and northern Iraq, including (but not exclusively) where elements of the PKK/Kongra-Gel have considerable influence; the Sahel region of Africa, including northern Mali where an estimated 200,000 Tauregs run their own affairs without government interference; and the Iraq-Syria border, where tribes and communities living on both sides of the border have facilitated a vibrant weapons smuggling route through Iraq’s Ninawa province.

In contrast to these geographically large rural areas, urban zones of competing governance may exist within parts of a city, like Karachi, where Taliban militants from the tribal areas come to take refuge among the hundreds of thousands of Afghan and Pakistani refugees in the kacha abadi (slums) such as Quid Abad, Sohrab Goth and Kiamaree. Further, not all zones of competing governance exist within weak states or aspiring independent nations; witness the powerful mafia presence in places like Italy, Russia and Ukraine - where it is widely acknowledged that the most powerful (and widely feared) forces in certain places are not of the government - or some particularly troublesome banlieues of Paris, where the police often fear to tread.

Hybrid zones of competing governance (both rural and urban) also exist, encompassing several cities and rural parts of a particular region. For example, in southern Lebanon, the radical Shiite militia Hezbollah has tremendous influence in the areas of commerce, housing, politics, education, religion, and social activities of southern Lebanon. Indeed, nothing meaningful can be accomplished in this area without Hezbollah’s awareness (and tacit approval). For some time, Hezbollah members have not only been ‘above the law’ they have ‘been the law.’ With an annual budget estimated at over $250 million, the group runs a network of schools, charities and clinics, along with its own satellite television and radio stations. In essence, southern Lebanese know and recognize the power held and exercised by Hezbollah; for some, this power is viewed as legitimate, and for others it is not (although recent statements by the organization’s leader Hassan Nasrallah have indicated an interest in improving perceptions of its legitimacy).

In Afghanistan, there is limited knowledge of how many Pashtun tribes populate the border region with Pakistan, but there is ample literature on the traditional lifestyle and rules of conduct (like pashtunwali) of these tribes. Law and order in these tribal areas
has traditionally been maintained by *Arbakai*, militias that operate within a limited geographic area and carry out at least three common functions: 1) enforce the decisions of the *Jirga*, an assembly of tribal leaders; 2) maintain law and order; and 3) protect and defend borders and boundaries of the tribe or community.\(^\text{15}\) While Afghanistan is clearly a weak state, ‘strengthening’ the state is unlikely to change the power and influence of these tribal governance structures, in part because of low perceptions of legitimacy toward the nation-state. For example, numerous reports from the region describe how Afghans are forced to pay bribes to police and government officials. Among Pashtuns, this produces a stronger affinity toward tribal governance structures, for whom honour and integrity are such vital parts of life. Thus, addressing the problem of state weakness here is perhaps less important than tackling endemic corruption.

In other cases, corruption and bribery help provide revenue streams that sustain the power and influence of informal governing systems. Along the Turkey-Iraq border, for example, local representatives of Kurdish socio-political networks collect so-called transfer taxes or customs fees from truckers, weapons smugglers and drug traffickers as they pass through territory under their control. Leaders of these Kurdish networks benefit from the tax payments and employ standard patronage systems to assure loyalty.\(^\text{16}\) Networked men get jobs, and their loyalty to this system helps to sustain their families while ensuring the continued socio-political power of these Kurdish leaders. Similar arrangements of patronage and corruption are pervasive in Nigeria and other African countries.\(^\text{17}\)

In sum, there are myriad examples that illustrate how zones of competing governance are markedly different from truly ‘ungoverned’ spaces. Here we find some semblance of order and security, provided by entities who are often suspicious of outsiders, and who draw on local disenchantment (or even hostility) toward a corrupt, ineffectual or completely absent nation-state regime. These zones of competing governance may compound pre-existing challenges of border and transportation security, facilitating smuggling routes for trafficking of any type of contraband, and potentially providing a safe haven for terrorists.\(^\text{18}\) However, they are not demographic blank slates; they are home to complex societies, some of which lend themselves to terrorist and insurgent penetration while others do not.

**Implications for research, policy and strategy**

This discussion raises the notion that state weakness on its own is not necessarily the primary source of the most critical security challenges facing the U.S. and our allies. Thus, we should revisit the policy assumption that strengthening states will lead to greater overall security. Several implications flow from this discussion, and can be organized around three levels of activity: research, policy and strategy.

Our strategies of engagement in these zones of competing governance require new kinds of information and analysis. The nature and salient characteristics of these zones vary, and within each we need to understand the local hierarchy of loyalties, existing
structures of influence and governance, and the complex landscape of grievances between tribes and the nation-state. Questions to study include who has legitimate power, and why; what are the informal networks of power distribution, and whether they are based on tribal/clan/ethnic affiliation; and how these informal governing systems negotiate their relationship (if any) with the nation-state.

Our research should provide ways to differentiate between tribal militias, warlords, armed groups, and criminal organizations that foster instability, or those that actually maintain stability within their spheres of influence. Tribes, clans, warlords etc. protect their own. This raises an important question: under what conditions would tribal leaders see it in their tribe’s best interests to facilitate (or prevent) the activities of criminal networks, terrorists, or WMD proliferators? To paraphrase a recent observation by Stewart Patrick, the challenge for researchers and policy analysts is to discern more carefully which zones of competing governance are likely to present which baskets of transnational problems. Such distinctions will allow them to direct limited resources to address the priority challenges of in critical zones and tailor responses to the key incentive structures in those zones accordingly.¹⁹

In addition to greater clarity and granularity, the terminology used in our research and analysis (as well as the policies they support) must reflect a greater sensitivity to the perceptions of zone inhabitants. Calling these ‘ungoverned spaces,’ implying the absence of governance, is not only misleading conceptually, it also suggests an inherent bias toward the central government’s legitimacy to govern, regardless of the specific nature of that regime. In other words: identifying places within Yemen, Pakistan or Nigeria as ‘ungoverned’ implies that only the presence of the central government would transform them into being ‘governed.’ And yet, as described throughout this article, governance of some form is already taking place, just not under the authority of a nation-state.

To populations who reside within such zones, the nuances of the different terms used matter, as with the former we are emphasizing the legitimacy of a central government at the expense of local informal governing structures which may, on the local level, seem far more legitimate than a corrupt, authoritarian or inept central government. The questions of ‘who governs’ matters most to the local populations being governed. If the outside observer’s standard approach is to favor a central government, it may automatically set one up to be at odds with local values, beliefs, and willingness to be governed by that authority. In our efforts to counter the challenges of transnational terrorism, organized crime and WMD proliferation, the U.S. cannot afford to alienate potential allies.

Thus, engaging non-state actors in zones of competing governance requires a new language infused by cultural relevance and an understanding of political dynamics at the community level. There are many factors that produce and sustain zones of competing governance, and these vary widely across different contexts, so a one-size-for-all
The approach is clearly insufficient at both the policy and strategic levels. Further, U.S. and international policies and strategies intended to deal with a ‘trouble hotspot’ often focus on strengthening a state’s capacity to project force or impose the state government’s version of law and order. And yet, ‘strengthening’ a state that is viewed by locals as illegitimate (or perhaps even corrupt and apostate) could exacerbate their preference for alternative governance systems and lead to increased conflict and alienation. In contrast, better results might be produced by focusing on improving a government’s soft power, with an eye toward improving the relationship between the nation-state and society in these areas where the state currently has limited influence.

This highlights the importance of strengthening a state’s perceived legitimacy, in order to foster a willingness within zones for states to play a dominant governing role, even if this supplants traditional power structures. Indeed, a lack of national regime legitimacy has already been identified by many as a key issue in the weak states policy debates. In 2005, the U.S. Agency for International Development described weak states as having “weak or non-existent legitimacy among its citizens,” and the aforementioned 2007 GAO report explains that in weak states “citizens largely do not perceive the governments as legitimate.”

From this perspective, a key question for policy is how to make it in the tribe’s best interests to cooperate with, or even assume a secondary role to, the nation-state.

U.S. security strategy should encompass a commitment to improving the legitimacy of a central government’s presence in these zones, especially by tackling corruption, providing accountability and delivering critical services. Further, it is not only important to address the myriad factors that de-legitimize a government (including corruption, malfeasance, preferential treatment, nepotism, and oppression), it is also critical to influence local perceptions of these things. Among the oft-heralded benefits of democracy, perhaps the most important element to highlight here is accountability - that is, a government must be seen to more accountable to the governed than those non-state elements with whom they are competing for hearts and minds.

For example, in the Arbakai system described earlier, there are two mechanisms for accountability: the Jirga and the tribal population at large, among whom the Jirga’s decisions are made known and are empowered by tribal custom to confront Arbakai members who do not uphold those decisions. These forms of accountability help reinforce legitimacy in this form of governance. In comparison, widespread corruption and bribery involving Afghan police and government officials generates a stronger affinity among Pashtuns toward tribal governance structures, for whom honour and integrity are such vital parts of life. Thus, strengthening Afghanistan’s military and police forces is perhaps less important than tackling endemic corruption and perceptions thereof.

Beyond the need for accountability and transparency, governments must also be seen as effective in providing critical services to those it wishes to govern. As described
earlier, local non-state power structures in zones of competing governance may garner more loyalty and affection than the state by providing physical security (for example, the Arbakai militia groups in the Pashtun tribal regions of Afghanistan and Pakistan); providing economic assistance for the poor and elderly (as Hezbollah does); building parks, sponsoring sports teams and providing school supplies to children (as do a number of Brazilian gangs); selling discount goods to members of the community (a common activity in the Tri Border Area of South America); and helping locals after natural disasters (or, in the case of Hezbollah, helping people in areas most affected by their 2006 war against Israel). The overall challenge for governments, then, is to provide a level of services and legitimacy that makes other service providers redundant and unnecessary.

U.S. policy toward these zones should encompass more than equipping the military and police forces of weak states to better impose their will on a probably suspicious or even inhospitable population. Funding, programs and expertise are needed from across an array of U.S. agencies, helping foreign governments address critical development, agriculture, energy, transportation, legal and communication needs of the local population. Altogether, our policy emphasis should be on strengthening trust between the state and those it seeks to govern. Political integration between tribes and a central government should be a long-term goal, but only under the conditions that the central government is seen as worthy of this integration. Establishing legitimacy, transparency, meritocracy in both the public and private sector, and the rule of equitable and fair laws enforced by an independent judiciary should be seen as important as creating stronger and more professional security and police forces. In the end, the most effective policies for combating today’s complex security challenges may be those that build institutionally strong states with the will and capacity to provide all manner of human security services to its people and is politically inclusive, transparent and legally accountable to its people, and a responsible member of the international community.

At the same time, a purely state-centric approach is insufficient for combating non-state security threats. If we rely solely on state-level entities to address critical sub-national security challenges - especially those related to potential safe havens within zones of competing governance - we may be overlooking a critical resource in the struggle against terrorism, organized crime and other armed groups. Non-violent non-state actors can provide an important intelligence and policing function, the effectiveness of which is both in their own and the state’s best interests. While informal governing powers in these zones are less concerned about ‘country’ or ‘nation’ than protecting family, tribes, customs, we must remember that these are at risk from the same kinds of security challenges as a nation-state government.

Engaging tribes or other informal governance systems requires expanding our policies and funding beyond a purely state-centric approach, while working to improve (and not undermine) an already fragile perception of state legitimacy. Perhaps there are opportunities for the U.S. to provide assistance as an ‘honest broker’ for productive
interaction between a state and powerful non-state actors in these zones, toward a mutually beneficial objective of countering terrorist and criminal network activity and especially WMD proliferation. Ultimately, a state-centric approach to confronting the complex security challenges we face today is unlikely to supplant the many kinds of informal authority that provide governance in these parts of the world.21

Conclusion

In sum, the U.S. and its allies are pursuing a global security strategy influenced largely by the paradigm of state weakness and ungoverned spaces. Conventional efforts seek to improve a state’s capabilities or political will to effectively counter an array of complex security challenges (including terrorism, insurgency and organized crime) that originate at the level of sub-state actors. However, the analysis presented here suggests that today’s security strategies should consider alternative or additional ways of understanding the nature of the security threat environment. In many places where the strength or influence of the state is in question (at best), we still find a functioning social and political order, one which violent non-state actors may find inhospitable. Incorporating an appreciation for these zones of competing governance is a useful first step toward developing the kind of sophisticated security strategies needed for a world in which the decentralized connectivity between individuals and groups is rapidly becoming more important than the Westphalian nation-state system.

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1. An earlier version of this paper was published as ‘Zones of Competing Governance’ in the Journal of Threat Convergence, Vol. 1, Issue 1 (Fall 2010), p. 10-21.
2. For example, see Liana Sun Wyler, ‘Weak and Failing States: Evolving Security Threats and U.S. Policy,’ CRS Report for Congress, August 28, 2008 (p. 6); and Condoleezza Rice, ‘The Promise of Democratic Peace: Why Promoting Freedom is the Only Realistic Path to Security,’ Washington Post (December 11, 2005) in which she describes how weak and failing states serve as “global pathways” that facilitate the “movement of criminals and terrorists” and “proliferation of the world’s most dangerous weapons.”


10. Ibid, p. 6

11. For more on this, see Angel Rabasa, ‘Ungoverned Territories,’ Testimony presented (February 14, 2008) before the House Oversight and Government Reform Committee, Subcommittee on National Security and Foreign Affairs (Santa Monica, CA: The RAND Corporation), p. 6.


14. For example, Nasrallah recently called upon his followers to heed traffic signs and pay their electric and water bills, reflecting a need for Hezbollah members to be seen as good citizens in order to improve the proportion of the population in southern Lebanon that views them as a legitimate source of governance. See Associated Press, ‘Hezbollah tries to break out of militant mold,’ (February 18, 2010), online at http://www.ap.org.

15. The traditional institution of Arbakai exists in a variety of regions, but sometimes under different names; for example, in the FATA region of Pakistan, it is called Salwisht or Shalgoodn, and in Kandahar it is known as Paltanai. For more information, please see Mohammed Osman Tariq, ‘Tribal Security System (Arbakai) in Southeastern Afghanistan,’ Crisis States Research Center, London, UK (December 2008).


21. For more on this, see Anne L. Clunan and Harold A. Trinkunas, eds. Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty (Stanford University Press, 2010).